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BIOGRAPHY
OF THE SIGNERS TO THE
DECLARATION OF INDEPENDENCE.

SECOND EDITION,
REVISED, IMPROVED, AND ENLARGED.

VOLUME IV.

PHILADELPHIA:
WILLIAM BROWN AND CHARLES PETERS.
1828.

in District of Pennsylvania, to wit:

***** **BE IT REMEMBERED**, That on the 12th
U. S. § fifty-third year of the Independence of the
***** America, A. D. 1828, William Brown and Chas.
District, have deposited in this Office the title of
reof they claim as proprietors, in the words following:

“Biography of the Signers to the Declaration
Second Edition, Revised, Improved, and
Volumes.”

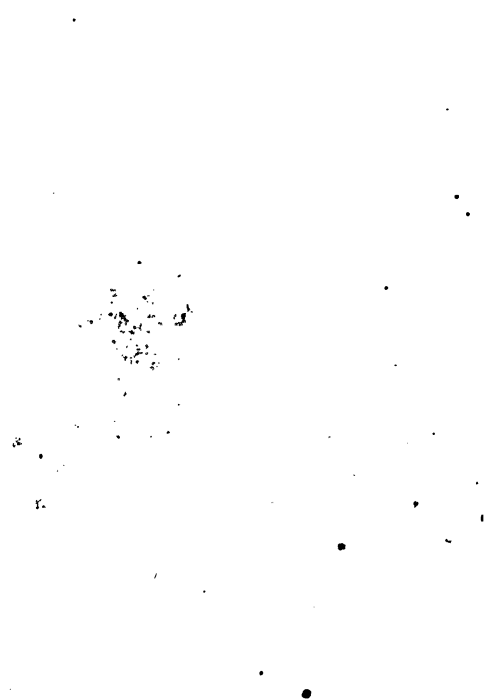
conformity to the act of the Congress of the United States
for the encouragement of learning, by securing the copies of
books, to the authors and proprietors of such copies in
mentioned.” And also to the act, entitled “An act, entitled
‘An act for the encouragement of learning, by securing the
copies of maps, charts, and books, to the authors and
proprietors, during the times therein mentioned,’ and extending
the same to the arts of designing, engraving, and etching
sculpture.”

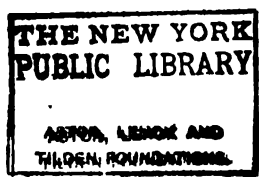
D. CA

Clerk of the Eastern District

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VOL. IV.—A

THOMAS M'KEAN.

THE lives of most men pass away unobserved, unheeded and unknown, out of the particular family circle to which they are attached. They spring into existence, and sink into the grave, amid the general mass of perishable matter, without seeking to separate themselves from it, or to be distinguished, by a distinct course, from the cradle to the tomb. Those who emerge from this general obscurity, and become eminent for their talents and virtues, are characters peculiarly adapted for the delineation of the historical pencil, because their example may prove useful to others.

Few of the splendid luminaries which have adorned the political firmament of the republic, possess stronger claims to this distinction than THOMAS M'KEAN. Living in turbulent and tempestuous times, beset with trials and difficulties, frequently assailed by the ambition, the envy, and the malice, of powerful individuals, and the flattery or hatred of different parties, he served in public stations of government for the long term of fifty years, during which, he uniformly retained his fortitude and integrity, and the well-merited confidence of his fellow citizens.

THOMAS M'KEAN was born on the nineteenth of March, 1734, in the township of New London, county of Chester.

VOL. IV.—A

After the customary elementary education, and arithmetic, the two eldest sons received the tuition of the reverend Francis Bacon, who, for more than forty years, supported his character with dignity and reputation, and was greatly indebted for that diffusion of knowledge, and that spirit of liberty and inquiry, to the education of her sons upon a level with those of the continent of Europe. Thomas was, at this time, in the office of his relative, David Finney. When he had completed the regular course of study adopted in the celebrated institution of Glasgow, he acquired a sound knowledge of the languages, and the branches of the mathematics, rhetoric, and philosophy, he went to Newcastle, in 1751, to the office of his relative, David Finney. Some months afterwards, he engaged as a clerk to the prothonotary of the court of common pleas, which enabled him to learn the practice, while he studied the theory of the law. In about two years, his assiduity and good conduct procured him the office of deputy prothonotary, and register for the county of Newcastle.

had attained the age of twenty-one years, he was admitted an attorney at law in the courts of common pleas for the counties of Newcastle, Kent, and Sussex, and also in the supreme court. Before the expiration of a year, he obtained a considerable share of business; and, in 1756, was admitted to practise in the court of his native county of Chester, and soon afterwards, in the city and county of Philadelphia. In 1756, the attorney general, who resided in Philadelphia, appointed him, not only without any solicitation, but without any previous knowledge on his part, his deputy to prosecute the pleas of the crown in the county of Sussex: he resigned this office, after having for two years performed its duties with judgment and ability. In 1757, he was admitted to the bar of the supreme court of the province of Pennsylvania. The envy which the success of the young lawyer occasioned among some of his professional brethren, served merely as an additional spur to his industry, and increased his assiduity in the pursuit of legal knowledge. In the same year, he was elected clerk of the house of assembly, an honour of which he was unapprised until he received information of his appointment from Benjamin Chew, at that time speaker: in 1758, he was again appointed to the same station, but after that period, he declined a re-election. In 1762, he was selected by the legislature, together with Cæsar Rodney, to revise and print the laws passed subsequently to the year 1752, a duty which they speedily and satisfactorily executed.

In the same year, Mr. M'Kean first embarked on the stormy sea of politics, which he afterwards braved for nearly half a century. In October, 1762, he was elected a member of the assembly from the county of Newcastle, and was annually returned for seventeen successive years, although, during the last six years of that period, he resided in Phila-

...where he addressed
and eloquent speech, embracing a su
ation and prospects of the United
war, and the wisdom and perseveran
cils: he concluded by assigning satisfa
ing to be considered one of the candidi
ture. Mr. M'Kean now received an l
ing evidence of the confidence reposed i
zens. Soon after he had withdrawn, a c
men waited on him, in the name of the
him that they would unwillingly dis
in the assembly, but requested that, a
cal, and they could perfectly rely on h
recommend seven persons in whom the
representatives for that county. This ne
ing their confidence, unavoidably exc
while it placed Mr. M'Kean in a very c
immediately replied, that although th
the most flattering kind, he entreated t
known to the electors his grateful ac
honour intended him, but as he knew
venty of the gentlemen then present at
considered worthy of the

reiterate their request, accompanied by the assurance that the compliance, so far from offending any individual whatever, would be considered as an additional favour conferred on the county. Mr. M'Kean, accordingly, but with great reluctance, wrote down seven names, which he delivered to the committee, with the observation, that this act would at least evidence a reciprocity of confidence between them. The election resulted in the choice of the seven gentlemen whom he had thus named, the lowest on the ballot not wanting two hundred votes of all the electors present, who amounted to more than eighteen hundred.

Parties will exist in all popular governments. At the period when Mr. M'Kean first appeared in public life, Delaware was divided into two parties, designated by the names of court, and country. The leading members of the former were the governor, the officers of government, and expectants of office; the latter, of which Mr. M'Kean was a distinguished member, was composed of those who desired an independent judiciary, and impartial laws. The judges, magistrates, and every other officer in the province, held their commissions during the pleasure of the governor, or of some of his favourites. Hence, when a practising lawyer, as was generally the case, enjoyed this enviable situation, the judges of all the courts were evidently under an undue influence, and justice was frequently perverted.

In 1764, he was appointed, by an act of the legislature, one of the three trustees of the loan office for Newcastle County, for four years; which trust was renewed in the years 1768, and 1772. This species of loan was one of the most happy expedients for the encouragement of industrious settlers in a new country, and for the improvement of lands, that was ever invented.

yet, in less than two years after
the stamp act was passed, which,
would not only have annually extor-
ted from the colonists, but subjected their pro-
posals of men over whom they had
benefited themselves in proportion to
arbitrarily imposed on their fellow
to avert, if possible, the impending evil.
The Massachusetts Bay proposed to the leg-
islature of the other colonies, to appoint delegates
to consult together on the existing circum-
stances, to consider of a general and united,
representative, representation of their condition
before the parliament; and to implore relief
from the necessities arising from the operation
of duties and taxes on the colonies. 'Tis
which Mr. M'Kean was a member for
Kent, Kent, and Sussex, on Delaware
York, in October, 1765. Their proc-
ess of decision and firmness, totally irre-
sistible of servitude, and ready to adopt every
which prudence could suggest, or for

They did so ; and therein generated a spirit of *union*, which finally brought about the independence of the country, and led to the establishment of its present happy constitution. But, although such was the character of the great majority of the assembly, it possessed, upon the whole, much less fortitude than the succeeding congress of 1774 ; in fact, certain members appeared as timid as if engaged in a traitorous conspiracy. Among the most conspicuous characters, James Otis appeared to be the best and boldest speaker : he was nominated as president of the congress, but brigadier Timothy Ruggles succeeded by one vote, owing to the number of the committee from New York, the members then voting individually. Before the commencement of the proceedings, however, it was made a *sine qua non* on the part of Mr. M'Kean, and resolved accordingly, that the committee of each colony should have one voice only, in determining any questions that should arise in the congress. He was selected, with Mr. Livingston and Mr. Rutledge, to inspect and correct their proceedings and minutes ; and appointed, with Mr. Lynch and Mr. Otis, to prepare an address to the house of commons. He displayed, on every occasion, that unbending firmness and energy which characterized his subsequent public conduct.

The stamp act congress, as it was called, having framed a declaration of rights and grievances, together with an address to his majesty, and memorials to the lords and commons, was dissolved on the twenty-fourth of October, 1765. A few members of this body were either suspected of being inimical to its designs, or acted in such a manner as if they were more desirous of ingratiating themselves with the British ministry, than serving their country. When the business was concluded, and on the last day of the session, the president, and some timid members, refused to sign the proceedings. Mr. M'Kean then rose, and addressing himself per-

dent replied, that he did not conceal the cause of his objections. Mr. [illegible] gentlemen present had met together for the repeal of an unconstitutional British parliament, and a redress of wrongs; as unanimity and harmony had been shown among them, it appeared very extraordinary that he should refuse to affix his name to what was so generally approved, without any excuse, or apology; and that, if there was any thing wrong or indecent, in their proceedings, he should not act of comity, nay of duty, to advise them. After the delegates spoke briefly to the same effect, an explanation, the president, after stating that "it was against *his conscience*," refused the changes on the word *conscience*. A plain challenge was given and accepted by the whole congress; but the president of New York the next morning before the day of the meeting, Ogden, then speaker of the house of representatives, also refused to sign the petitions, as did by Mr. McKean in private, as well

use his influence with Mr. M'Kean, his son in law, to prevail on him to pursue the same course : but the latter would promise nothing more, than not to mention the matter as he passed through New Jersey, unless the question was put to him. The question was asked : in several different towns, he was requested to state the names of the gentlemen who had not signed the petitions, which he did without hesitation. In a few days, the speaker was burned in effigy in the town in which he resided, as well as in several others, and at the next meeting of the general assembly, he was removed from the office of speaker : the consequences to Mr. M'Kean were menaces of another challenge, not more fatal than the former.

On his return to Newcastle, he, with his colleague Mr. Rodney, reported their proceedings to the assembly of Delaware, and received the unanimous thanks of that house, for the energy and ability with which they had discharged their duties in the congress.

Mr. M'Kean continued to be engaged in various public employments. On the tenth of July, 1765, he was appointed by the governor, sole notary, and tabellion public, for the lower counties on Delaware ; and, in the same year, received the commission of a justice of the peace, and of the court of common pleas and quarter sessions, and of the orphan's court, for the county of Newcastle. In November term, 1765, and February term, 1766, he sat on the bench which ordered all the officers of the court to proceed in their several duties, as usual, on *unstamped paper*: this was accordingly done ; and it is believed that this was the first court in the colonies that established such an order.

In 1766, he was licensed by the governor of New Jersey, on the recommendation of the judges of the supreme court, to practise as a solicitor in chancery, attorney at law, and counsellor, within all the courts in that province. In 1769,

with the original records. In the commissioners of his majesty port of Newcastle; and in October speaker of the house of representa

Owing to a change of ministers the apprehension of a serious opposition in the colonies, the stamp act was repealed. In 1766 an act was passed, maintaining the right of the crown to bind the colonies by law in all matters in which years had not elapsed from this time. The government resolved to test this right, and in 1767 their colonies, by imposing a duty on tea, paper, painter's colours, and glass, to be imported from any other place than Great Britain. The opposition was so small, that little opposition was made. There were patriots in the colonies who had been disappointed by the act; who deeply reflected on the consequences of the act and who were fully aware that it would set a precedent, and that many an error would creep into the state. A controversy took place among leading and influential men out the continent: a powerful opposition

British crown, Mr. M'Kean, as he had before done in 1765, took an active part in the preparatory measures which led to the meeting of this congress; and was appointed a delegate from the lower counties on Delaware, although he had, a short time before, removed his residence permanently to Philadelphia.

An important era, not only in the history of America, but of man, had now arrived. Great events may not create, but they always will elicit and excite ability, and bring dormant talents into active operation; and, although the principal part of his life had hitherto been employed in laborious official engagements, Mr. M'Kean soon found that the times now required all the exertions of his mental and physical powers. On the fifth of September, he took his seat in the august assemblage, of which he became an invaluable ornament; and from that day, his country claimed him as her own. He was annually elected a member, until the first of February, 1783; serving in the great national council during the long, and uninterrupted, period of eight years and a half.

Two remarkable circumstances, connected with this epoch, are peculiar to the life of Mr. M'Kean. In the first place, he was the only man who was, without intermission, a member of the revolutionary congress, from the time of its opening, in 1774, until after the preliminaries of the peace of 1783 were signed; for, notwithstanding he was also engaged in other important public affairs, his residence in Philadelphia induced his constituents to continue to return him. It may be added, however, as a case very similar, that Roger Sherman, a delegate from Connecticut, was a member of congress from the time of its first sitting, in September, 1774, until the month of February, 1782, and what is more remarkable, he was a member during the long period of nineteen years, except when the laws required a rotation in office.

talents faithfully exerted.

Possessed of long tried ability forming conclusions, and skilful in neral principles, of public business congress embraced a series of unre services. A few days after the first one of the committee to state the r several instances in which those ri fringed, and the means most propo restoration of them. He served dili secret committee to contract for the ammunition ; and his talents were lishing the claims and accounts agai superintending the finances of the sta bills of credit; in hearing and determi against sentences passed on libels in 1 and in a variety of important and connected with the general business twelfth of June, 1776, he was appo committee to prepare and digest the to be entered into between the coloni draft

powers to ratify and sign the instrument. On the twenty-sixth of November following, New Jersey acceded to the confederation ; and on the twenty-second of February, 1779, Mr. M'Kean signed and ratified the articles, in behalf of the state of Delaware. At length, the state of Maryland empowered her delegates to subscribe and ratify the act of union, and its final ratification took place on the first of March, 1781.

It has already been remarked that the signatures on the Declaration of Independence do not, in more than one instance, merely indicate those who voted for it on the fourth of July, 1776 ; as several of the signers were not at that time in congress. But as regards some of the delegates another error also occurred, and among them Mr. M'Kean.

He was particularly active and useful in procuring the passage of the Declaration ; nevertheless, although his name is subscribed to the original instrument deposited in the office of the secretary of state, he does not appear as a subscriber to the copy published in the Journals of Congress. The late Mr. Dallas, in the course of the re-publication of the laws of Pennsylvania, wishing to compile an accurate copy of the Declaration of Independence, addressed a letter, on the nineteenth of September, 1796, to Mr. M'Kean, requesting to know why such a variance existed. The answer to this inquiry is a valuable historical record: it is dated at Philadelphia on the twenty-sixth of September 1796, and is in these terms:

“Sir—Your favour of the nineteenth instant, respecting the Declaration of Independence, should not have remained so long unanswered, if the duties of my office of chief justice had not engrossed my whole attention while the court was
....

gether inexcusable : The publication of the Declaration of Independence, on the fourth of July, 1776, in the second volume of the Journals of Congress, and also in the acts of most public bodies since that time, without the names of the delegates or deputies who were present on that day, has led to the above reflection. In the publications referred to, it would appear that the names of the gentlemen, whose names are there printed, were on that day personally present in Congress, and that they signed the Declaration ; whereas, the truth is, that the following gentlemen were not members of Congress on the fourth of July, 1776 ; namely, Matthew Thornton, George Clymer, James Smith, George Ross. The five last named were not in Congress until the twentieth day of that month ; the first day of September following, nor did he sign the Declaration until the fourth of November, when he signed it after. The Journals of Congress, (vol. i. p. 53,) and of the assembly of the state of New York, (p. 53,) and of the general assembly of the state of New York, establish these facts. Although the six gentlemen were very active in the American cause,

to the Declaration of Independence, and this ~~like~~ ^{being} an error in the first concoction, has vitiated most of the subsequent publications, and yet the fact is, that I was then a member of congress for the state of Delaware, was personally present in congress, and voted in favour of independence on the fourth of July, 1776, and signed the declaration after it had been engrossed on parchment, where my name, in my own handwriting, still appears. Henry Winner, of the state of New York, was also in congress, and voted for independence. * * * I do not know how the misstatement in the printed journal has happened. The manuscript *public* journal has no names annexed to the Declaration of Independence, nor has the *secret* journal; but it appears by the latter, that on the nineteenth day of July, 1776, the congress directed that it should be engrossed on parchment, and signed by *every member*, and that it was so produced on the second of August, and signed. This is interlined in the *secret* journal, in the hand of Charles Thompson, the secretary. The present secretary of state, of the United States, and myself, have lately inspected the journals, and seen this. The journal was first printed by Mr. John Dunlap, in 1778, and probably copies, with the names then signed to it, were printed in August, 1776, and that Mr. Dunlap printed the names from one of *them*.

“ I have now, sir, given you a true, though brief, history of this affair; and, as you are engaged in publishing a new edition of the Laws of Pennsylvania, I am obliged to you for affording the favourable opportunity of conveying to you this information, authorising you to make any use of it you please. I am, &c.”

In the year 1776, Delaware was represented in congress by Cæsar Rodney, George Read, and Thomas M'Kean.

Chair, the chairman of the committee of report, which was not acted upon until the 1st of July. Every state, excepting Pennsylvania, had voted in favour of the measure of great importance to procure an union. Mr. M'Kean, therefore, without delay, despatched, at his private expense, for Mr. Rodney to Delaware. That gentleman hastened to Philadelphia, and was met at the door of the state house, in the evening, by Mr. M'Kean, as the members were assembled for the morning of the fourth. After a friendly salutation, without exchanging a word on the subject of the day's business, they entered the hall together, and took their seats. Mr. M'Kean was among the latest in attendance; the proceedings were immediately commenced, and, after a few minutes, the vote on the measure was put. When the vote of Delaware was taken, Mr. Rodney rose, and briefly expressing his confidence in the welfare of his country demanded the declaration of independence. Mr. M'Kean, and secured the voice of the members of the Pennsylvania delegation. The measure, being absent, that state also voted in favour of the measure by a majority of one. By these means

rected by a resolution of congress subsequent to his necessary departure from Philadelphia.

Mr. M'Kean was president of the convention of deputies from the committees of Pennsylvania, held at the Carpenter's Hall, in Philadelphia, in June, 1776, who unanimously declared their willingness to concur in a vote of the congress, declaring the United States free and independent states. He was one of the committee, with Dr. Franklin, and two other deputies, which drafted that declaration; on the twenty-fourth of June, he signed it in behalf of the state of Pennsylvania; and on the succeeding day, delivered it to congress, in the name of the convention. The regiment of associators, of which he was colonel, had, in the preceding month of May, unanimously made a similar declaration.

On the fifth of July, 1776, he was chosen chairman, at a conference of the delegates in congress, for the states of New York, New Jersey, and Pennsylvania. In the same year, he was also chairman of the committee of safety of Pennsylvania, and of the committee of inspection and observation for the city and liberties of Philadelphia.

Mr. M'Kean, at this time, was colonel of a regiment of associators of the city of Philadelphia. At a conference held on the fifth of July, 1776, between a committee of congress appointed for the purpose, and the committee of safety of Pennsylvania, the committee of inspection and observation for the city and liberties of Philadelphia, and the field officers of the five battalions of that city, it was agreed that all the associated militia of the state, with certain exceptions, who could be furnished with arms and accoutrements, should immediately march, with the utmost expedition, to New Jersey, and continue in service until a flying camp, of ten thousand men, could be collected to relieve them. In consequence

M'KEAN.

olutions, Mr. M'Kean, a few days after the declaration of independence, marched at the head of his battalion to Perth Amboy, in New Jersey, to support general Mifflin.

Although, during his term of service, no engagement took place, he was sometimes exposed to danger, in the skirmishes, or rather cannonades, which occurred. An instance of this nature is related in a letter dated Head Quarters, Perth Amboy, 27th September, 1776. The lines of the enemy were about six miles distant. Several shallops were descried sailing on the opposite shore towards the enemy's men-of-war. Colonel M'Kean had received orders to hold his battalion in readiness to march into town at a minute's warning, and the men were immediately under arms. "I left them," he writes, "under lieutenant-colonel Dean, to be marched on to the town, whilst I mounted my horse, and waited on the general. On the road, which is a straight and wide

I thought it my duty to stop them, as some of them otherwise would probably be killed, without a chance of effecting any beneficial service. On my return, I found the fire hotter than before, the enemy then playing from three batteries of three or four guns each ; but, through God's favour, I escaped unhurt, and marched the troops to the camp."

After the flying camp was completed, the associators were discharged, and Mr. M'Kean returned to Philadelphia, when he resumed his seat in congress, and signed the Declaration of Independence, on parchment. Finding that he had been elected a member of the convention for forming a constitution for the state of Delaware, he, in two days, departed for Dover, which he reached in one day. Immediately on his arrival, after a fatiguing ride, a committee of gentlemen waited on him, and requested that he would prepare a constitution for the future government of the state. To this he consented. He retired to his room in the tavern, sat up all the night, and having prepared it without a book, or any assistance whatever, presented it, at ten o'clock next morning, to the house, when it was unanimously adopted.

In the year 1777, Mr. M'Kean acted in the double capacity of president of the state of Delaware, and chief justice of Pennsylvania. "I have had," he remarks in a letter to John Adams, dated November 8th, 1779, "my full share of the anxieties, cares and troubles, of the present war. For some time, I was obliged to act as president of the Delaware state, and as chief justice of this: general Howe had just landed (August, 1777,) at the head of Elk river, when I undertook to discharge these two important trusts. The consequence was, to be hunted like a fox by the enemy, and envied by those who ought to have been my friends. I was compelled to remove my family five times in a few months,

On the twenty-eighth of July, 1777, he re-
supreme executive council, the commission o
Pennsylvania, and performed the duties of t
with distinguished zeal and fidelity, for tw
At the time of his appointment, he was spea
of assembly, president of Delaware, and a

The following remarks on this appointme
from his letter to John Dickinson, dated 1
5th, 1777: "When I was in Philadelphi
ght ago, the office of chief justice was offe
olitest manner. Two of my friends were
y accepting it; many others pressed me to it
nner. Upon the whole, to prevent the

I was against any government but such
f, and that I wanted to embroil the stat
affection to the common cause, &c. &c.
berally propagated; and to evidence that I
iew but to promote the happiness of my cou
my duty (though manifestly against my i
ite the great lord Hale, when pressed to the
ell, and was, for the same. and better re-

trays his situation: "I find that my health and fortune are impaired by my unremitting attention to public affairs: what I undertake to perform, I do with all my might; and having very little relief in attending congress, I find that this, the discharging the duties of chief justice, &c. &c. are more than I can perform to my own satisfaction. Besides, the rank I am obliged to maintain is greater than comports with my finances. I must, therefore, beg of you, to appoint some gentlemen as delegates, who will attend in congress at such times as I am obliged to be on the circuit, or in court, and who will also relieve me occasionally at other times, and permit that relaxation which is absolutely necessary for the mind as well as the body; otherwise, that the general assembly would be pleased to excuse me the honour, in future; which is my ardent wish." It is a proof of the disinterested principles by which the public men of that period were guided, that Mr. M'Kean had never received, in any year, as much emolument, as a delegate, as would defray his personal expenses, while engaged in the service; and that, during the last two years, (1779 and 1780,) he had not been offered, or received, a farthing. His resignation, however, was not accepted, and he continued his duties as a delegate from Delaware.

On the tenth of July, 1781, he was, on the resignation of Samuel Huntington, elected president of congress. On the twenty-third of October, 1781, he addressed the following letter to the secretary:

"Sir—I must beg you to remind congress, that when they did me the honour of electing me president, and before I assumed the chair, I informed them, that as chief justice of Pennsylvania, I should be under the necessity of attending the supreme court of that state, in the latter end of Septem-

poned the election of a president until the motion of Dr. Witherspoon, it was unanimous that Mr. M'Kean be requested to resume the presidency, until the first Monday in November of the previous day, accepting his resignation. To this measure he acceded. In November, John Hanson was elected president. On that month, it was "*Resolved*, that the thanks be given to the honourable Thomas M'Kean, late President, in testimony of their approbation of his conduct in the chair, and in the execution of public business. A flattering testimonial was conveyed to Mr. Hanson, in which the following flattering communication from his predecessor was included:— "Well qualified to pass a correct judgment on the conduct of his predecessor."

Sir—It is always a pleasing task to pay a tribute to distinguished merit. Under this impression, I assure you, that it is with inexpressible satisfaction that I convey to you the thanks of the United States in concert with the Congress in testimony of their approbation of your

sions in the one who has the honour of being your successor. But the choice of congress obliges me, for a moment, to be silent on the subject of my own inability ; and, although I cannot equal the bright example that is recently set me, yet it shall be my unremitting study to imitate it as far as possible ; and, in doing this, the reflection is pleasing, that I shall invariably pursue the sacred path of virtue, which alone ought to preserve me free from censure. I have the honour to be, &c."

It may be assumed as a fact, strengthened by daily experience, that those men who are mere passive beings, will have neither friends nor enemies ; while those who are active, will have both : and, whether a man does right or wrong, he may always expect to be blamed by his enemies. Hence, a great clamour attended the elevation of Mr. M'Kean to the presidency of congress. His acceptance of that station, while holding the office of chief justice, aroused the sleeping lions who would otherwise, in all probability, have dozed on, regardless both of their constitution and country. The press teemed with essays on the subject, maintaining both sides of the question, in which the advocates of Mr. M'Kean enjoyed a manifest advantage. It was evident that the authors of the outcry were incited by envy or ambition, and not by virtue or love of country ; because, if his seat in congress was illegal at all, it was as much so before he was made president, as afterwards. When he was appointed chief justice, in 1777, he was speaker of the house of assembly, soon after commander in chief, and from that time until his election to the chair of congress, constantly a delegate from the state of Delaware. It is not easy, moreover, to imagine, what right the state of Pennsylvania had to complain of his

...tion (even if it were blamable,) r. M'Kean? On the general question, sitting in violation of the constitution, it was though the judges of the supreme court were not allowed to sit in congress, as members, or in its executive council or generally were not excluded from sitting in the senate or assembly, for any other state; they never had either the power or inclinations of other states, nor to restrain any whom they thought proper, in their profit; that, in fine, there was neither any law a judge of Pennsylvania could not hold office, which was not derived from the state of various precedents may be cited in justification of M'Kean's conduct, in retaining his seat in congress. Drayton served in congress two years when he was chief justice of the state of South Carolina. William Paca was, at the same time, chief justice of Maryland and a member of congress for the state of Maryland. Chief justice of New York.

tives which originated the clamour against the chief justice of Pennsylvania, were any thing else than honest or patriotic.

Independent in his principles and conduct, Mr. M'Kean, as chief justice of Pennsylvania, performed the duties of his office with impartiality and inflexibility. During the progress of the revolution, Philadelphia being the seat of the general government, and an object of peculiar watchfulness on the part of the enemy, the just performance of Mr. M'Kean's judicial functions required not only the learning of the lawyer, but the unyielding spirit of the patriot. Proclaiming from the bench, the law of justice and his country, with distinguished learning, ability, and integrity, neither fear nor power could bend him from the stern line of duty. Regardless of the powers of the crown of Great Britain, he did not hesitate to hazard his own life, by causing to be punished, even unto death, those who were proved to be traitors to their country. Such was the miserable fate of Roberts and Carlisle, the lamented victims of inflexible justice. Abraham Carlisle was a carpenter in Philadelphia. When the British took possession of that city, he received a commission from sir William Howe, to watch and guard the gates, with the power of granting passports. John Roberts joined the British standard at the same time ; and the overt act of aiding and assisting the enemy by joining their armies, was "legally and satisfactorily proved." The trials of these unfortunate men took place in September, 1778, and being both convicted of high treason, they were, a short time afterwards, executed.

But no popular excitement against individuals accused of offences could, in the slightest degree, divert him from the firm and inflexible discharge of his public duty. His decision in favour of Samuel Chapman, which may be seen in

decree issued by the supreme executive
of the act of assembly, passed the
'78. The charge of the chief justice, which
quittal of the defendant, was learned and
embracing a lucid exposition of the law, and
aroused admiration of his professional br
tified and disappointed those men of vio
after blood.

Soon after his appointment to the office of
ident occurred, evincing in bold relief
inciple of action which guided his judicial
persons were confined in the Free Mason
lphia, on treasonable charges; and the pop
ainst them was extremely violent. Applic
the chief justice, for writs of habeas corpus
ich were granted. This act, at a period of
agitation, created great dissatisfaction a
ent whigs, in which many members of co
ed. So marked, indeed, was their displea
Kean, esteeming the good opinion of gov

thority for the confinement of the prisoners, known to Mr. M'Kean, was the copy of a letter from the vice-president to colonel Lewis Nicola. His situation, at the time, was such that he had not received a letter, nor seen a newspaper, from Philadelphia, for a fortnight ; nor could he learn any particulars of the affair, except from the two persons who presented the writs, and who offered to him a pamphlet written by the prisoners, stating their case : this he refused to read or accept, observing that he would determine on the returns to be made to the writs, and nothing else. The habeas corpus act formed a part of the code of the Pennsylvania laws, and has always and justly been esteemed the palladium of liberty. Before that statute, the habeas corpus was considered to be a prerogative writ, and also a writ of right for the subject ; and, if the king and his whole council committed any subject, yet, by the opinion of all the judges, in times when the rights of the people were not well ascertained, nor sufficiently regarded, a habeas corpus ought to be allowed and obeyed. And the distinction was, that in such case, *upon the return*, the prisoner was to be remanded ; but, if the commitment was by *part* of the lords of the council, he was to be bailed ; and if not for a legal cause, he was to be discharged. By the statute, all discretionary power in the judges was taken away, and a penalty of five hundred pounds sterling imposed, for a refusal, in the vacation, to allow the writ : so that, if Mr. M'Kean had so soon forgotten the oath which he had, a few days before, taken, common prudence would have taught him neither to incur the forfeiture of ten thousand pounds, nor to subject himself, as a judge, to the just censure of the judicious and dispassionate ; the more especially when no injury could arise from returning the writs, and bringing the parties before him, (except a

with as much zeal as any individual in the
ed, he might have been deservedly blamed
at previous to this, censure, to say no more
injudiciously bestowed. "Fiat justit
e remarks, "is a sentiment which please
d judges ought not to be subjected to un
es."

His firmness in the execution of the law
y another striking example. In 1778, he
gainst colonel Robert L. Hooper, a deputy
arging him with having libelled the mag
ylvania, in a letter to Gouverneur Morris,
eriff of Northampton county to bring hi
orktown. Colonel Hooper waited on gen
arter master general, to inquire whet
nces of the army would admit of his al
reene, in a letter to Mr. M'Kean, date
orge, third June, 1778, observed, among
ve to the subject, that, as the army was j
could not, without great necessity, "co

“Sir—I have just now received your favour of the third instant, and am not a little surprised that the sheriff of Northampton county should have permitted colonel Robert L. Hooper, after he was arrested by virtue of my precept, to wait upon *you*, until he had appeared before *me*.

“You say, sir, ‘colonel Hooper waited upon me to communicate his situation, and to know if the circumstances of the army would admit of his absence; but as the army is just upon the wing, and part of it will, in all probability, march through his district, I could not, without great necessity, *consent* to his being absent, as there is *no other person* that can give the necessary aid upon this occasion.’

“I do not think, sir, that the absence, sickness, or even death, of Mr. Hooper, could be attended with such a consequence that *no other person* could be found, who could give the necessary aid upon this occasion: but, what attracts my attention the most, is your observation that *you* cannot, without great necessity, *consent to his being absent*. As to that, sir, I shall not ask *your consent*, nor that of any other person, in or out of the army, whether my precept shall be obeyed or not, in Pennsylvania.

“The warrant for the arrest of Mr. Hooper being special, no other magistrate can take cognizance thereof but myself. The mode you propose, of giving bail, cannot be adopted, for many reasons.

“I should be very sorry to find that the execution of criminal law should impede the operations of the army, in any instance; but much more so, to find the latter impede the former. I am, &c.”

There is a strain of inflexible firmness, and unshrinking dignity, pervading this letter, admirably illustrative of the whole course of his judicial conduct.

er country. The dignity which the su
 nnsylvania preserved, and the reverence w
 ile he presided over it, are still spoken of
 those who remember it, and his judicial o
 d when the law of the state was unsettl
 ster mind was requisite to reduce it to
 blished for him the reputation of being o
 yers of his country. His memory is, to t
 l in profound respect and veneration, in th
 , and successive judges have, by their u
 y, given unfading lustre to his judicial
 ice M'Kean," observes a late judge of the
 'ennsylvania, " was a great man : his mer
 of the law, and as a judge, has never be
 reciated. It is only since I have been u
 I have been able to conceive a just idea o
 is merit. His legal learning was profound
 in the words of the poet,

Materiam superabat opus—— ;

lucidity of his explication. and the pers

The attempt to impeach the conduct of Mr M'Kean, as chief justice, in 1788, requires particular explanation. Eleazer Oswald, editor of the Independent Gazetteer, published an address to the public, manifestly tending to interrupt the course of justice, and attempting to prejudice the minds of the people, in a cause then depending, in which he was defendant; and by that means, striving to defeat the plaintiff's claim to justice, and to stigmatise the judges whose duty it was to administer the laws. For this contempt of court, as it was determined by the unanimous opinion of the four judges, he was sentenced by the court to pay a fine of ten pounds to the commonwealth, and to "be imprisoned for the space of one month, that is, *from the fifteenth day of July to the fifteenth day of August.*" The sentence, on the point of imprisonment, was entered on the record, "*for the space of one month,*" without taking notice of the explanatory words used by the court: ("*from the fifteenth day of July to the fifteenth day of August.*") At the expiration of the legal month, (*twenty-eight-days,*) Mr. Oswald demanded his discharge; but with this, the sheriff, who had heard the sentence pronounced, refused to comply, until he had consulted the chief justice. Mr. M'Kean, remembering the meaning and words of the court, told this officer at first, that he was bound to detain his prisoner till the morning of the fifteenth of August: but having shortly afterwards examined the record, he wrote to the sheriff, that Mr. Oswald, agreeably to the entry there, was entitled to his discharge.

On the fifth of Septemoer, 1788, Mr. Oswald presented a memorial to the general assembly, in which he stated the proceedings against him, complained of the decision of the court, and of the direction of the chief justice to the sheriff, by which, he alleged, his confinement had afterwards been

objects of impeachment. The assembly
committee of the whole, to hear the evidence
the charges exhibited ; and three days were
examination of witnesses. William Lewis
the house, then delivered an elaborate argu-
ment of the conduct of the judges ; and, after
a most eloquent speech, concluded by observing
that, in the whole, the only grounds of impeachment were
negligence, gross partiality, or wilful and arbitrary
conduct. As none of these had been proved, Mr.
Lewis ought to be dismissed ; that it would be
worse to return to a state of nature, than to live in
subjection upon the terms which that memorial proposed,
which left the weak and the innocent a prey
to the wicked ; and which gave to falsehood
all that was due to freedom and to truth.
Mr. Fitzsimmons then rose, and delivered his sentiments with
force and precision, in opposition to Mr. Lewis's argu-
ment. He then concluded, Mr. Fitzsimmons submitted the
following resolution :

*“ Resolved, That this house, having, in a
committee of the whole, gone into a full examination of the*

said, that, in admitting that there was no ground of impeachment, it was not intended to concede that the facts represented in the memorial had not been proved : and, on the other hand, it was answered, that if there had been proof that the memorialist, according to the complaint, "was immured in prison, without even the shadow of a trial, for an imaginary offence," it would have been the indispensable duty of the legislature to vote for an impeachment. A compromise, at length, took place, and the committee of the whole agreed to report the following resolution :

"Resolved, That the charges exhibited by Mr. Eleazer Oswald against the justices of the supreme court, and the testimony given in support of them, are not a sufficient ground for impeachment."

But, when this report was called up for the decision of the house, it was postponed, (and consequently lost,) on motion of Mr. Clymer, in order to introduce the resolution originally proposed by Mr. Fitzsimmons in the committee. Mr. Findley then claimed the attention of the members, and presented the following resolutions to the chair, to supersede Mr. Clymer's motion :

"Resolved, That the proceedings of the supreme court against Mr. Eleazer Oswald, in punishing him by fine and imprisonment, at their discretion, for a constructive or implied contempt, not committed in the presence of the court, nor against any officer, or order, thereof, but for writing and publishing improperly, or indecently, respecting a cause depending before the supreme court, and respecting some of the judges of said court, was an unconstitutional exercise of judicial power, and sets an alarming precedent, of the most dangerous consequence, to the citizens of this commonwealth."

the constitution, and the expediency of it was satisfactorily answered by Mr. Le legislative power is confined to *making* interfere in the *interpretation*; which is exclusive province of the judicial branch and, secondly, That the recommendation of the assembly would be nugatory; for the courts cannot take their powers from the constitution, a source common to the legislature; and, consequently, what is taken from the former cannot be taken from them by the latter.

Mr. Findley's motions were lost by a majority; and at length, Mr. Fitzsimmons's motion, revived by Mr. Clymer, was adopted by a majority, of course, rejected.

In pronouncing the judgment of the court, chief justice McKean made the following remarks: "Some doubts were suggested whether the court was punishable by attachment of the writs of *habeas corpus* and myself, but likewise all the judges think, that without this power, no court could exist; that no contempt could indeed be

tion, in the famous debate, a few years ago, in the case of John Anderson, in the house of representatives of the United States.

Mr. M'Kean was a member of the convention of Pennsylvania, which ratified the constitution of the United States. Delegated from the city of Philadelphia, he attended its first meeting on the twentieth of November, 1787. On the twenty-third, Mr. M'Kean, who, with Mr. Wilson, took the lead in the proceedings, moved that the constitution, as proposed by the late federal convention, be read ; and on the twenty-sixth, the convention having been properly organised, and the preliminary arrangements concluded, he opened the important and unprecedented subject by a short speech, concluding with the motion, "That this convention do assent to, and ratify, the constitution agreed to on the seventeenth of September last, by the convention of the United States of America, held at Philadelphia." The long and eloquent speech delivered by him on the eleventh of December, embraced a clear and comprehensive view of the whole subject. He unfolded, in a masterly manner, the principles of free government ; demonstrated the superior advantages of the federal constitution ; and satisfactorily answered every objection which had been suggested. Arranging these objections under ten distinct heads, he considered them singly, and delivered his refutation of them in a lucid and forcible manner. He concluded this powerful argument in these words: "The objections to this constitution having been answered, and all done away, it remains pure and unhurt ; and this alone is a forcible argument of its goodness. I am sure, Mr. president, that nothing can prevail with me to give my vote for ratifying it, but a conviction, from comparing the arguments on both sides, that the not doing it is liable to more inconvenience and danger than the doing it.

both at home and abroad.

“III. You will encourage your allies, to depend, that what has been stipulated after be stipulated and agreed upon, will be formed ; and other nations will be induced with you.

“IV. It will have a tendency to bring divisions, and by that means, lay a firm basis for the future tranquillity and happiness in general, and of this state in particular.

“V. It will invigorate your commerce and ship building.

“VI. It will have a tendency, not to prevent any other nation from making war upon you, if you are any way wrong or even insulted.

“In short, the advantages that must be obvious, so numerous and important, and ably pointed out by others, that it is necessary to enlarge on this head.

“The law, sir, has been my study for many years, and I have read them

plished, what has been long my ardent wish,—that you will hereafter have a *salutary permanency in magistracy, and stability in the laws.*”

Although Mr. M’Kean was not a member of the convention which framed the federal constitution, he was neither inattentive nor inactive, with regard to its proceedings. From the characters of the delegates, a great proportion of whom had been members of the revolutionary congress, in 1774, 1775, 1776, or 1777, he entertained strong hopes that public utility would be derived from their deliberations. “But,” he remarks, “the present popular opinion is, that we should be very jealous of conferring power on any man, or body of men. Indeed, we seem afraid to enable any one to do good, lest he should do evil.” He was long an advocate for the just rights of the smaller, against the overbearing influence and power of the larger, states. A vote by states was insisted upon by him in the first congress of 1765, and in that held in Philadelphia, in 1774; and the concession was then made by the other states. At the meeting of the federal convention, he delivered to the delegates from Delaware, notes of the arguments used on those occasions, and at the same time offered, in private, his reasons in support of the security of the smaller states, to many members who represented the larger. His influence prevailed; and the result was the compromise which pervades the present system.

The amendment of the constitution of the state of Pennsylvania was an object of high importance and general interest. “Perhaps a more singular contrivance to produce precipitation and incaution in that department, where deliberation was a duty, and to generate slowness and irresolution, when vigour, promptitude, and secrecy, were required, was never exhibited than in this constitution.” A single legislature, without check

posed of a member from every county; the number of counties increased; a septennial assembly, instead of an inefficient council of censors, who were to review the proceedings of the legislature, without the sanction of the people, they saw the strongest reasons to condone the features of this extraordinary frame. The relief to be afforded to the people of Pennsylvania from the oppressive system, had long been an object of solicitude to many friends. As a product of the revolution, it was sometimes considered as a test of the loyalty of the people. The name of Franklin was used to receive the sanction of favour, although it was believed by many that it was a quiescence, together with some sportive objections raised against it, was the result of the patriarch's exertions in its favour. It was known that its opponents aimed at aristocratic principles, tinged with the spirit of monarchy. Mr. Kean formed an early opinion; and Mr. Adams, dated thirtieth April, 1787, he remarks: "The balance of the one, the f

and a negative in the executive, stability in our laws, and permanency in our magistracy, before we shall be reputable, safe and happy." But he was opposed to any other than necessary alterations. "In general," said he, "I dislike innovations, especially in the administration of justice; and I would avoid tampering with constitutions of government as with edge-tools."

At length, in 1788, a majority of the legislature was secured in favour of calling a convention, not openly to make a new constitution, but to consider in what respects the old one required alteration and amendment. At the election in 1789, Mr. M'Kean was appointed a delegate to this convention, from the city of Philadelphia. It commenced on Tuesday, the twenty-fourth of November, 1789, on which day the honourable Thomas Mifflin was elected president. Composed of the first talents that Pennsylvania afforded, Mr. M'Kean rendered himself conspicuous in its proceedings, and the force of his knowledge and opinions was felt, and justly appreciated.

"The mere reformation of the old constitution was abandoned as hopeless, but in the composition of a new one, some variety of opinion was manifested: democratic inclinations prevailed with one party, while the other sought, in the establishment of a firm and active executive, in an independent judiciary, in a legislature of two branches, and in most carefully prescribing the limits of each, and preventing encroachments on the functions of others, not to establish an aristocracy, but to secure a self-balanced government, possessing the united properties of cautious deliberation, energetic action, and uninfluenced decision." Although the almost unlimited right of suffrage contained in it is by many deemed a blemish, the constitution that was finally adopted may be

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of the sitting, forming the preliminary convention. On the first of December it organized itself into a committee of the whole to consider whether, and wherein, the constitution required alteration or amendment." The subject of the constitution was the convention, principally discussed which he presided: hence he was present in an active part in the debates, which he probably done. It appears, however, that his attention was greatly devoted to the subject and that he engaged with spirit in the convention. It is worthy of particular notice "for the establishment of schools in such manner that the poor may be benefited" on the proposition of Mr. McKean. When he took the chair, it was unanimously resolved on the 10th of January, 1790, "that the thanks be given to the honorable Mr. McKean for his faithful conduct, while chairman thereof."

ed competitor—James Ross. His success, through what was termed “the momentum of Pennsylvania politics,” paved the way for the accession of Mr. Jefferson to the presidency; and during the whole period of that gentleman’s administration, the weight of Mr. M’Kean’s opinions and conduct was directed to the upholding of the principles which marked the policy of the general government.

On the sixth of November, 1799, at a town meeting held in Philadelphia, an address to the governor-elect was prepared and adopted, congratulating him on his election, as the very principles of republicanism were involved in the issue. “In an integrity,” it said, “which has stood the test of half a century, and in a firmness that neither cabal nor faction has been able to shake, and in principles which stood unmoved amid the trials and perils of a revolution, we cannot but rely with confidence.” “On you, sir, not only the eyes of republican Pennsylvania, but the eyes of the republicans throughout the union are fixed; on you a momentous trust has devolved, which engages all their attention and affections, and it is with pride, with honest pride, we avow our confidence, that the chief-magistrate of Pennsylvania will exhibit to the United States an illustrious example.” To this address, Mr. M’Kean replied by stating the sincere pleasure which it afforded him, and tendering his thanks for the favourable opinion, and kind expressions, it contained. He trusted, that under his administration, their happy system of government, raised on the sole authority of the people, would, by the favour of God, be continued inviolate; and that neither foreign nor domestic enemies, neither intrigue, menace, nor seductions, should prevail against it. “The constitution of the United States, and of Pennsylvania,” said he, “shall be the rule of my government; the security of persons, property, liberty, and

June 1800: "Though my situation in cares remain: I have never had greater and mind, than for the last six months president of congress. I have waded troubles, and surmounted my principal difficulties, (though no Hercules,) *to clean* with little or no aid; for I am my own uensis. In about a fortnight more, I expect gentle breezes, if the intrigues and corruptions do not create a new agitation of the governor of Pennsylvania has more duty president of the United States, or any go

It is the paramount duty of the biographer to extenuate nor set down aught in malice;" ruin should ensue. Without the guidance he is misleading, instead of instructing fictitious, instead of a real character; and he conceals, or every ornament which he involves a falsehood. His course is open neither turn to the one side, to gratify na

M'Kean's administration commenced. The principle of removing from office all those of opposite political views, whether their station be high or low, and however well qualified, honest, and active, they may be, may be founded in party policy, but not in justice. Patriotic motives can have no agency in loading with reproach, and detruding from office, upright, and (according to their views) honest, politicians of a particular party, as men unworthy to partake of the honours, or even to eat the bread of their country. The triumph of party is every where the same; and every where it is indulged beyond the boundaries of natural justice, and in a manner more or less despotic and vindictive, according to the precursory excitement, and the obstacles in the way of success. But without particularising, when the power of parties undergoes a revolution, whereby the weakest becomes the strongest, is that change, of itself, a sufficient and equitable cause for indiscriminately involving the whole of the defeated party in one general proscription? On such occasions, are the possessions of the vanquished, however honourably acquired and honestly maintained, to be, in the true spirit of the feudal system, inexorably parcelled out among the champions of the victorious leader? As, among the holders of office, in the words of a celebrated character, "few die, and none resign," is nothing left but to cashier them? And what sophistry can attempt to justify acts by which helpless families are at once reduced to indigence, stripped of their subsistence, and driven from their homes, not because the heads of them have not faithfully and honestly discharged the duties of their trusts, but because they do not hold precisely the same political sentiments with the new party in power; however they may, at the same time, accord in the broad principles of national liberty, and love of country.

tions; indeed, we find that, severe they were not, at the same time, in will not acquiesce in the justice of upon this occasion, may, with much to urge that, if at the commencement he found in office men that had been in previous contest, by intemperate and unbecoming conduct towards him and his friends, it might have been as indispensable to the smooth, just and regular running of the wheels of government, and in respect for the clearly expressed wish for the sovereignty he acknowledged, that he should have placed his offices with others, who, instead of counterbalancing the efforts of his administration, would assist his endeavours to discharge his duty. And the force of this reasoning is increased by the knowledge of the fact, that after his administration was once settled on a firm basis, he exhibited no partiality in selecting men distinguished by talents and integrity, regard to party politics, as he had displayed no partiality in party excitement, in preferring political enemies. This spirit was illustrated

In a letter to Mr. Jefferson, dated tenth January, 1801, alluding to his removal of many political opponents from office at the time of his being chosen governor, he observes, "It is, at least, imprudent to foster spies continually about oneself. I am only sorry that I did not displace ten or eleven more; for it is not right to put a dagger in the hands of an assassin." On the twentieth of July, 1801, he addressed the president of the United States, avowedly as the agent of certain members of the ruling party, in Delaware, relative to their political affairs, and to the individuals who had received and held offices under the previous, or Adams, administration: "It appears," he observes, "that the anti-republicans, even those in office, are as hostile as ever, though not so insolent. To overcome them they must be shaven, for in their offices, (like Sampson's hair-locks,) their great strength lieth: their disposition for mischief may remain, but the power of doing it will be gone. It is out of the common order of nature, to prefer enemies to friends: the despisers of the people should not be their rulers, nor men be vested with authority, in a government which they wish to destroy. A dagger ought not to be put into the hands of an assassin. Sayings of this import are in the mouths of every body; and self-preservation seems to demand some attention to them."

But it is probable that no public man of this country, excepting Washington, so deeply involved in public affairs as Mr. M'Kean, has ever kept himself free from some portion of political intemperance, some manifestation of party passion and prejudice. Such, moreover, is the nature of the constitution of Pennsylvania, with respect to the powers of its governor, that party spirit will be roused, and the feelings of individuals, governed by personal interest, will be exhibited, during every administration. Personal feelings of

denied that his administration, in
by uncommon ability, and with g
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In the years 1807 and 1808, an
made to impeach him, as govern
malice, and the exasperation of i
dividuals, who found him too ind
superintendence in public affairs.
number of the citizens of the city
were presented to the legislature,
praying an inquiry into the offici
A committee was accordingly ap
with directions to report whether
capacity, as to require the interp
powers of the house. This comm
gation, reported,

“I. That the governor did pre
justly, and contrary to the true i

of the law, and contrary to the wholesome regulations of the prison in Philadelphia, and the safety of the citizens.

"III. That, contrary to the true intent and meaning of the constitution, and in violation of it, did he appoint Dr. George Buchannan, lazaretto physician of the port of Philadelphia.

"IV. That under a precedent, acknowledged to have been derived from the king of Great Britain, and contrary to the express letter of the constitution, did he suffer his name to be stamped upon blank patents, warrants on the treasury, and other public official papers, and that too out of his presence.

"V. That, contrary to law, did he supersede Dr. James Reynolds as a member of the board of health.

"VI. That, contrary to the obligations of duty, and the injunctions of the constitution, did he offer and authorize overtures to be made to discontinue two actions of the commonwealth against William Duane and his surety, for an alleged forfeiture of two recognizances of one thousand dollars each, on condition that William Duane would discontinue civil actions against his son, Joseph B. M'Kean, and others, for damages for a murderous assault committed by Joseph B. M'Kean and others on William Duane."

The very terms of the report would indicate the spirit in which it was framed, even were it not known that one of the committee, at least, was a principal agitator of the impeachment, and intemperately attached to the disappointed party, which was labouring, unguibus et rostro, to disgrace and degrade the governor. "From even this limited inquiry," say they, "the committee are led to the conclusion, that the governor considers the constitution and the laws as mere instruments of executive convenience, and of so ductile a

of the people of the city and count
grossly trifled with, and scarcely
cobweb has been thrown over the
governor, to render void their e
"But what will be said when the
made known that the governor de
poll of judge Wolbert, which the v
oath, declared they had given to
"The committee would here ask,
people of Pennsylvania for their rig
ings pass unpunished?" "A favour
may continue in office as long as a
and the incumbent will remain the
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governor to William Duane, is of a c
alarming. The outrage committed up
any thing in baseness and barbarity,
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ing beaten and bruised him, until he
him from the earth on which he wa
them might again knock him down;
constitution and laws finished 41-2

***Resolved*, That Thomas M'Kean, governor of this commonwealth, be impeached of high crimes and misdemeanours."**

Had this report not savoured so strongly of partiality; had its language been more temperate and dignified, its conclusions less rigorous and authoritative, it would have argued a better cause. On Thursday, the eighth of December, 1807, the resolution reported by the committee being under consideration, a motion was made by Mr. John Sergeant, and seconded by Mr. Biddle, (both members from Philadelphia,) to postpone the further consideration thereof until the second Monday in January, 1808: the ayes and nays being called, there was an equal number of votes, and the motion failed. On the fifteenth of January, Mr. Showell, one of the committee which submitted the resolution, called for its consideration: the votes being equally divided, the question was not carried. On the twenty-seventh of January, Mr. Shewell renewed his motion for proceeding to the consideration of the resolution, which then prevailed. It is to be observed, that these motions proceeded from the party friendly to governor M'Kean, and who were anxious to determine the invalidity of the charges.

The resolution was now fairly before the house; and the result which awaited the consideration of it, little accorded with the pleasant and confident anticipations of a majority of the select committee who gave it birth. "The committee," said they, "deem it superfluous to sustain the resolution which is submitted, by an appeal to the patriotism or the intelligence of the house. *They are aware that they are anticipated by its judgment and its integrity.* The facts speak so loudly for themselves, that the feeble voice of the committee cannot be raised to reach their tone. Justice, and the public welfare, demand punishment. Do we desire to preserve our

of the laws. Do we desire reserve o
tions? then permit no man to rample u
nity. Do we hold the right of electing
ries to be the essence of free governmen
be dear to the freemen of Pennaylvani
constitutionally accountable, who, by ar
laid it prostrate. Do we consider virtu
ciple of republican government? then pu
attacks republican virtue in her cita
regard of public sentiment and public d
of solemn obligation, treats the people
and their rights as his inheritance.”
legislature possessed less “judgment”
than the committee were aware of, or
was placed on this long, pompous, and
queries, and deductions, than it deserved
alter the decision of the house, which, c
Porter, seconded by Mr. Shewell, indefini
further conderation of the subject, on the
January, 1808. It should be added that c
sent from the city of Philadelphia whose i
be particularly infringed voted in for

seconded by Mr. Ingham, that the message be inserted at large on the journal: on the question being taken, it was determined in the affirmative.

The defence of Mr. M'Kean offers a bright contrast to the report of his accusers ; and we cannot refrain from extracting its exordium, as an evidence of the dignity with which he repelled unestablished denunciations, of the moderation and magnanimity which he displayed throughout the replication, and of the self-command and respect, which forbade him to descend to the language of his enemies. " A long and dangerous illness," he begins, " the sympathy of friends, and the advice of physicians, deprived me of an opportunity to peruse the journal, or to have the least knowledge, of the proceedings in relation to an impeachment of my official conduct, for more than a month after the termination of the last session of the general assembly. And, since that period, a proper respect for the exercise of constitutional powers has restrained every disposition, on my part, to answer the charges which have been exhibited against me, while those charges continued a subject of deliberation. But the delicacy which has thus recognized your constitutional jurisdiction, must not be allowed to absorb every consideration that is due to my own fame, to the feelings of my family, and to the opinion of the world. The accusation, though not confirmed by the ultimate vote of the house, has been deliberately framed, has been openly discussed, and will pass, among the legislative records, into the hands of our constituents, and our posterity, with all its concomitant semblance of proof, and asperity of animadversion. The decision, that expresses your renunciation of the impeachment, affects me, indeed, with its justice and its independence ; but it is a decision which precludes the employment of the regular means of de-

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a competent tribunal, and, therefore, compels
purposes of vindication, to claim a page in the
that serves to perpetuate against me the imputa-
l crimes and misdemeanours. It is incompati-
n, with my view of the solemnity of the occa-
nd to the language of invective or complaint.
the depravity of other men, I should do little
e my own innocence ; and an expression of sen-
y personal indignity that has been inflicted,
strued into an encroachment upon the freedom
debate. But the tenor of my public and pri-
I hope, be sufficient to repel every vague and
aspersion. The discernment of our constituents
etect any latent motive of hatred and malice.
f the legislature upholds an ample shield against
persecution ; and the conscious rectitude of my
ll yield a lasting consolation, amidst all the

in every particular, from the aspersions with which it had been assailed. This replication comprehends a very learned and masterly disquisition upon many of the constitutional powers and duties of the executive, and upon repeated reference to it, it has been found to bear the cautious scrutiny of unimpassioned judgment, and to furnish a safe, a clear, and a useful guide in the elucidation of cases involving points similar to those which he professes to discuss.

Thus terminated a transaction, which, through the baleful and exterminating spirit of party, threatened to overshadow the closing career of a patriot, whose life had, during half a century, been devoted to the public service. As a party measure, the delay in its decision, the ex-parte report of the committee, and the small majority opposed to an impeachment, can afford no just rule of judgment, with regard to the merits of the case : because *inter factiones leges silent*. Those acquainted with the relative local politics, may gain some insight into the matter, from the fact, that while the whole delegation from the *city* of Philadelphia were opposed to the impeachment, all the members from the *county* supported it. And it was in proof before the house of representatives, that the chairman of the committee, who was a prominent and zealous witness, and the surety of William Duane, threatened, in terms indicating animosity and passion, that “ *he would pursue the governor to the grave.*”

Towards the close of the year 1803, he was strongly solicited to become a candidate for the office of vice-president of the United States. On the fourteenth of October, Alexander James Dallas, thus addressed him on the subject: “ I have been requested, by several of our friends, to bear with me, (to Washington,) your sentiments as to the office of vice-president. Your name has been most honourably mentioned on

would give me pain to find that, in this
sition should lead you to the federal sce
there exists another man in Pennsylvan
period, the real interests of the state ca
But your choice will entirely govern
ertions." Mr. M'Kean declined this h
and private considerations.

Towards the close of the eighteenth
revolution excited much interest in Am
mencement, indeed, it was very univer
mired ; and almost every friend of rati
when the bastile was destroyed, at the a
pation of the people. But when public
principles yielded to the bloody and la
magogues and ruffians, nothing but irrel
extraneous pursuits, could have made
the unexampled profligacy, insolence, an
then ruling powers of France. Mr. M'E
conscientiously, imbibed strong preposse
French liberty, in conjunction with the m
to which he was attached.

acted and lived in the world. I know not any man who more uniformly agreed in sentiment upon political principles, forms of government, and national policy, than you have done, except upon one great subject: a most important and momentous one to be sure—that subject was the *French revolution*. This, at the first appearance of it, you thought 'a minister of grace:' I fully believed it to be 'a damned.' Hence all the estrangement between us, that we, or ever suspected. There is no reason that this should keep us asunder, for I presume there can be little difference of opinion, at present, upon this subject. When they accepted a peerage, some droll wit wrote

Of all the patriot things that Paine's writ,
The earl of Bath confutes them every bit

may now say,

Of all the glorious things French patriots writ,
The emperor confutes them every bit."

In another communication, Mr. Adams remarked, that the unaccountable phenomenon he ever beheld, during the forty-seven years that he had lived, was to see men of the extensive knowledge, and deepest reflection, entertain, at one moment, an opinion that a democratical republic could be established in a nation of five and twenty millions of people, and twenty millions and five hundred thousand of whom, neither write nor read.

M'Kean, in reply, fully realized the expectations of the correspondent, as to the congeniality of their sentiments. In relation to their co-operation in public affairs, he remarks, in plain and clear, with pleasure, and also with pride, that I comprehend the political sentiments of none, with more satisfac-

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congenial with my own,) than yours ; nor do I
single question on which we differed. It is true,
to the revolution in France, from the assembly
ables (1787), until the king was decapitated
h I deemed not only a very atrocious, but an
After that, I remained in a kind of apathy, with
leaders of the different parties ; until I clearly
t *that* nation was *then* incapable of being ruled
government : and when a *few*, and afterwards,
, assumed despotic sway over them, I thought
nation better than under the government of a
ould prefer any kind of government to such a
a tyranny to anarchy. On this subject, then, I
ve we differed widely. I do assure you, that I
early friendship, and am happy in a continuance
in : " I decidedly think with you that a demo-
government in France, in the present age, was

lities, I have enjoyed a tranquillity, never (during a long, protracted life,) heretofore experienced; and my health and comforts are sufficient for a moderate man."

We ought not, however, to omit an incident which occurred after the date of the above letter, inasmuch as it exhibits a gratifying instance of the manifestation of public respect for a venerable sage, and displays the vigour of intellect, and the energy of patriotism, in a man of the age of eighty years, whose younger days had been, in trying times, devoted to his country. In the last war with Great Britain, the citizens of Philadelphia, considering themselves in a situation of perfect security, made no preparations for protection and defence, until, in the month of August, 1814, their slumbering feelings were aroused by the landing of a British army on our shores, and its near approach to the city of Washington. A number of the most influential citizens agreed at once to call a town meeting, and on the morning of the twenty-sixth of August, a few hours before the account of the capture of Washington reached Philadelphia, a very large assemblage of citizens was convened in the state house square. Mr. M'Kean had been particularly desired to attend, and on his appearing once more among his countrymen, on a public occasion, he was greeted with profound respect and attention, and was unanimously called to take the chair. Never, since the revolutionary period, had a public meeting been held in Philadelphia on so momentous a business, and never, since the same period, had an occasion existed which demanded more promptness and decision of action. The enemy was already on our soil, and no man, whether among the boldest or the most cautious, had any reason to believe that Philadelphia would not, in a very few days, be the object of attack. The meeting, collected at the very place, where, in

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declaration of independence had been proclaimed its business with great order. No noisy attempts to control its operations, or to create inflammatory harangues. The venerable addressed it, and in a few brief sentences, delivered with the gravity and emphasis of his former days, touched only to be awakened. The meeting, in a short time, and without useless discussion, took the action which the crisis demanded, and the city was placed in a condition to repel the attack of the enemy could then bring against it. At this time he made the following observations, in the meeting:

He remarked, that the proceedings of the day and yesterday, do not comprehend any very deep discussion of sentiment on general principles. He supposed that the meeting showed any

the state, without regard to the clamour of ignorance or of discontent. Independent of the opinion which the narrow-minded, but self-sufficient, might please to adopt with regard to him, he was willing to be judged by the consequences of his actions, however remote those consequences might be.

The following letters, addressed to the son of Mr. M'Kean, embrace valuable and honourable testimonials, from men who participated with Mr. M'Kean in the trying scenes of the revolution, and who have since enjoyed the rare and distinguished honour of presiding over the government of their country. The first is from his compatriot Mr. Adams, and is dated at Quincy on the twenty-seventh of April, 1824 :

“ Dear sir—I have received your kind letter of April 1st, and am very sorry that it will not be in my power to give you more detailed information. That your father was a steadfast patriot of the revolution, from its beginning to its end, is most certain. In the congress of New York, in 1765, though young, he was one of the most active and spirited members : in the congress of 1774, and in all the subsequent years, he was the same.

“ His conduct as governor of Pennsylvania is better known to you, and all your fellow-citizens, than to me : I believe he was conscientiously upright, and well-intentioned. His conduct as chief justice of the state, for so many years, I have never heard denied to have been upright and judicious : although his constant opposition to the federal government, but never violent, occasioned party reflections upon him, as party spirit is cast upon every man of both parties. His character ought always to maintain a conspicuous place in the history of his country, for the last fifty or sixty years.

M'KEAN.

Your father and Cæsar Rodney were among the Henrys, the Christopher Gadsdens, the Toms, the Samuel Adams's, the Roger Shermans, and firmest pillars of the revolution."

er, from Mr. Jefferson, his old personal and friend, is dated at Monticello, on the tenth of the month, and is as follows :

I have duly received your favour of the first instant, and am happy to learn that we are likely to have a good opportunity to see the late judge M'Kean. Although we served together in revolutionary scenes, and after these, in the Revolutionary War, yet length of time, and the wane of memory, have no recollections which would be worth recording. My general remembrance can never be obliterated of you among the soundest, firmest, and most zealous republicans, with whom it has been my fortune

Philadelphia society for the promotion of agriculture. On the thirty-first of October, following, he received the diploma of the society of Cincinnati, instituted by the officers of the American army, at the period of its dissolution, as well as to commemorate the great event which gave independence to North America, as for the laudable purpose of inculcating the duty of laying down in peace, arms assumed for public defence, and of uniting in acts of brotherly affection, and bonds of perpetual friendship, the members constituting the same. He was also a trustee of the university of Pennsylvania, and, in 1790, one of the founders of the Hibernian society for the relief of emigrants from Ireland, of which he was a long time president.

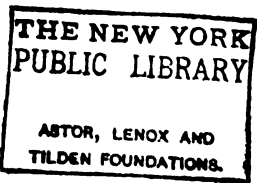
In person Mr. M'Kean was tall, erect, and well proportioned. His countenance displayed, in a remarkable manner, the firmness and intelligence for which he was distinguished. His manners were impressive and dignified. In the month of July, 1762, he married Mary, the eldest daughter of Joseph Borden, esquire, of Bordentown, New Jersey, who died in February, 1773, leaving two sons and four daughters; the youngest of whom was only two weeks old. On Thursday, the third of September, 1774, he was again united in marriage by the reverend Joseph Montgomery, to Miss Sarah Armitage, of Newcastle, in Delaware: five children were the offspring of this union.

At length, loaded with honours, this venerable patriot arrived at the *ultima linea rerum*, and departed to "the generation of his fathers," on the twenty-fourth of June, 1817, aged eighty-three years, two months, and sixteen days. His remains were interred in the burial ground of the first presbyterian church, in Market street, Philadelphia.

M'KEAN.

Kean outlived all the enmities which an active
part in public affairs had, in the nature of
d; and posterity will continue to cherish his
ne among the most useful, and able, and virtua-
a mighty republic :

Conscia mens recti, famæ mendacia ridet.





...on a gazette of that date contains an aver-
ment, offering good encouragement from the inhabitants.



deratum, for a gazette of that date contains an advertisement, offering good encouragement from the inhabitants.



SAMUEL CHASE.

THE signers of the Declaration of Independence on behalf of the state of Maryland were four; SAMUEL CHASE, WILLIAM PACA, THOMAS STONE, and CHARLES CARROLL of CARROLLTON.

Among the patriots of the revolution, none were more actively engaged during its most trying scenes, and few more distinguished in after life, than SAMUEL CHASE.

He was born on the seventeenth of April 1741, in Somerset county, Maryland, and was the child of the Reverend Thomas Chase, a very learned clergyman of the protestant episcopal church, who emigrated from England, and married Matilda Walker, the daughter of a respectable farmer.

The Rev. Mr. Chase having lost his wife, and succeeding at nearly the same time to the pastoral charge of St. Paul's parish, in Baltimore, removed with his son to that town in the year 1743.

Baltimore was, at that period, merely a village, and afforded little opportunity for the education of boys; indeed, nine years afterwards, a schoolmaster seems to have been still a desideratum, for a gazette of that date contains an advertisement, offering good encouragement from the inhabitants.

tainments, as well as an enthusiast in classic
roof of which was given in his laborious trans-
lation of Silius Italicus, enriched with copious
notes, a work bearing the marks of great per-
severance, which yet remains in the hands
of others awaiting sufficient encouragement for its
completion. Under the tuition of a parent so accomplished
in learning, the young Samuel acquired a degree
common among his compeers ; and at the age of
thirteen the established character of a good scholar
in Annapolis to commence the study of the law.
Pursuing his studies, under the superintenden-
ce of Mr. Hammond, and Mr. John Hall, with that
regularity that marked all his conduct through life, he was
admitted to practise in the mayor's court at the early age of
twenty years afterwards was licensed for the practice
in the county courts.

He chose Annapolis for his permanent residence
and soon became known as an able, eloquent and fe-
lacious lawyer. The reputation superadded, at least among
the loyal inhabitants, of being too little inclin-
ed to the dignity of the provincial officers.

Annapolis was so small, that if the courts had any occupation, the lawyers could not fail, all to have clients. "I qualified," says Mr. Chase in a letter written long after, "in 1761 in the mayor's court; the bar then consisted of three practitioners, Messrs. William Paca, John Brice, junior, and myself; all of us students of the law under gentlemen of Annapolis, who qualified merely for improvement, without the remotest view of profit."

He very soon married Miss Ann Baldwin, of Annapolis, a lady described, by those who recollect her, as remarkably amiable and intelligent, and who became the mother of two sons and two daughters, all of whom survived their parents.

Advancing continually in his profession, the few years that intervened between his coming to the bar and the commencement of the political troubles, were not signalized by any incident, except his marriage, that has been preserved by memory or tradition.

In this interval he became a member of the colonial legislature, and distinguished himself there not only by the vigour of his mind, but by the bold independence of his course, and his uncourtly bearing towards the royal governor and the court party.

The most memorable instance of the spirit which already animated him, is perhaps to be found in a vote by which he joined in the enactment of a new regulation on the subject of the compulsory support of the clergy; and by the provisions of which his own father, still rector of St. Paul's, suffered a diminution of one half his income. He was an heir of his father's property; but neither that consideration nor the fear of offending the old gentleman, could restrain him from

CHASE.

nst the court party, and in favour of wh
rights of the people.

p act, that first step in the career of minis
card of with less emotion, generally, in the
the northern colonies ; but every where the i
a flame of indignation and a spirit of resis
land, a meeting or convention of the "se
sembled suddenly at Annapolis, and fo
public offices, seized and destroyed the sta
of youthful patriots, designated of course,
tuage of the day, as a mob, publicly burn
stamp distributor.

ese exploits, which were the first examples
in Maryland, Mr. Chase bore an active
; and in consequence was designated by the
en of Annapolis, in a publication that forme
ar, carried on between them and the grand

He assailed the city authorities without mercy. "Was it a mob," his published letter asks, "who destroyed in effigy our stamp distributor? was it a mob who assembled here from the different counties of the province and indignantly opened the public offices? Whatever vanity may whisper in your ear, or that pride and arrogance may suggest, which are natural to despicable tools of power, emerged from obscurity and basking in proprietary sunshine, you must confess them to be your superiors, men of reputation and merit who are mentioned with respect, while you are named with contempt, pointed out, and hissed at as '*fruges consumere nati*.'" See the Appendix.

"I admit, gentlemen," he said, in another part of this publication, "that I was one of those who committed to the flames, in effigy, the stamp distributor of this province, and who openly disputed the parliamentary right to tax the colonies, while you skulked in your houses, some of you asserting the parliamentary right, and esteeming the stamp act a beneficial law. Others of you meanly grumbled in your corners, not daring to speak out your sentiments."

This was bold, perhaps saucy, language, for a young man of five and twenty, to apply to the constituted authorities of the town in which he resided; but the same uncompromising temper, apparent in this splenetic effusion, continued to be characteristic of Mr. Chase, to the latest period of his life.

The immediate cause of this hostility between him and the corporation, was to be found in his having acted as scribe for the grand jury, when they wanted a complaint against those municipal officers drawn up in proper form and forcible language. The stamp act having been repealed and contentment generally restored, allusions to the violences that had occurred before its abrogation, were introduced by his enemies

closing the port of Boston in 1774, roused colonists to action.

The several counties of Maryland having committees of conference, they met in convention second of June, and having received letters from the Massachusetts committee, agreed to the proposals of the congress of the colonies, and appointed Mr. Charles Carroll, delegates to attend such meeting, for agreeing on a general plan of conduct, on the commercial connexion of the colonies with the world, for the relief of Boston, and preservation of liberty." Mr. Chase was also appointed one of the correspondents for the colony.

He accordingly attended at the meeting of the congress at Philadelphia, in September, 1774.

The votes and proceedings of congress were secret at that time, and although it is now ascertained which of the members were entitled to prepare the very eloquent state papers issued, yet the precise share taken in their composition by each member, is not, even now, certainly known. The part made by this congress was, however, pa

In December of the same year, which was before any intelligence could be received from the other side of the Atlantic of the reception which their persuasive addresses met with in Great Britain, Mr. Chase, with an additional number of colleagues, was re-appointed a delegate, to attend at the session to be held in the ensuing May.

Mr. Chase attended in pursuance of this appointment, and joined in the appointment of Washington, as commander in chief, the organization of an army, and all the other measures of defence then adopted.

This session, like the preceding one, was of brief duration ; but there was time for him to make many acquaintances and acquire some friendships, among men of the most distinguished talents and virtue of the country and of the age.

He was again elected in the summer of 1775, and attended during the early part of the second session of that year ; when his attention was particularly drawn to the affairs of the northern campaign, then prosecuting under the command of Schuyler and Montgomery, and concerning which strong, but fallacious, hopes were entertained.

He returned to Maryland before the close of the year, and remained at home a few weeks only. He then repaired to Philadelphia, and acted with the very important committee charged with the ways and means of fitting out a naval armament.

The situation of the Maryland delegates was not at this time at all gratifying to their feelings ; Mr. Chase, at least, certainly found it extremely irksome. The convention, in renewing their appointment, had expressly restricted them from voting in favour of a declaration of independence ; and however anxious they might be to see such a measure adopted,

nts and instructions, and again finally
he restriction, are matters of history, and
ated; it is sufficient to refer to them to sh
the province of Maryland became fully inspi
spirit of liberty which Mr. Chase, and many
, had imbibed in so large a degree.

In the spring of the year 1776, he received a
the highest trust that congress could bestow
Canada, in conjunction with Dr. Franklin
all; and he gladly accepted it, not only becau
be performed might be of the most importan
try, but also because it took him away from
voting either against his instructions or aq
sience, in case the question of independence sho
gitated in congress.

Great expectations had been indulged of im
es to be gained by this embassy; indeed, a fi
ith congress from the commencement of the di
ritish government, had been to rescue Canada
minion, and attach that flourishing dependenc
ental union; or rather, to enable the Canadi
free choice upon the subject, no doubt being

Franklin, who stood deservedly pre-eminent, and Mr. Chase, then a young man of little experience in public affairs, but known already for extraordinary abilities and the most ardent patriotism.

To these were added Mr. Charles Carroll of Carrollton, and his brother, afterwards the archbishop of Baltimore, both of whom, it was supposed, would be able to exercise a powerful influence with the catholics in Canada.

The reverses which befel the arms of the continentals on the northern frontier, prevented whatever success might otherwise have attended this mission. We are not able to detail the incidents of the journey made by Mr. Chase in the fruitless attempt to fulfil the object of his appointment; but it is, at least, to be recorded in justice to his fame, that he was selected by congress as the associate of Franklin, in an employment so difficult and momentous.

When he returned to Philadelphia, he found that the proposition had been actually made to issue a declaration of independence, and his trammels, therefore, sat more uncomfortably upon him than ever. He hungered and thirsted for independence with an eagerness that knew no bounds, and yet was still tied by those ill-timed instructions, and had the mortification to see Maryland holding back when nearly all the rest of the colonies had pronounced their wish for an immediate renunciation of the royal authority.

At about this period, an occurrence took place of a very singular nature, which drew forth a display of Mr. Chase's characteristic fearlessness and decision.

Among the members of congress, there had prevailed the utmost confidence and mutual respect; and although differences of opinion existed, there was not supposed to be any want of sincere and faithful attachment to the common cause.

CHASE.

Chase discovering, by what means is not known, Dr. Zubly, a delegate from Georgia, was in alliance with the royal governor of that province, denounced him to congress as a traitor. Zubly, to clear the truth of the accusation by a hasty flight, and was instantly taken for his arrest, but without

the question still under discussion in congress, respecting a declaration of independence, was impeded by the instructions against such a measure which were given by the Maryland convention and the Pennsylvania assembly. The instructions of his constituents were a heavy yoke to Mr. Chase. With his characteristic energy he left his seat in congress, traversed Maryland, met with his colleagues and other friends at several meetings, at which he obtained an expression of opinion more congenial with his own. The convention, at Annapolis, could not resist the overwhelming

He was re-elected on the fourth of July, 1776, again on the twentieth of November of the same year, again in February, 1777, by the house of delegates, and in December, 1777, by the general assembly. Until the end of the year 1778, he was generally at his post, except occasionally when, for a few weeks, the representation from Maryland being full without him, he turned his attention to his own private or professional affairs ; and during all the time of his attendance, he was constantly chosen a member of all important, as well as many unimportant, committees. The number and variety of the duties devolved upon him by this frequent and almost daily appointment, seem to have been greater than ought to have been imposed on any one man, however industrious and able. The most discordant subjects, whether they were in their nature military, marine, financial, judicial, or political, without discrimination or mercy, were thrown upon his attention.

Urgent as were the calls of his professional duties and private interests, he did not hesitate to break off abruptly from the business in which he might be occupied, during his occasional visits to Annapolis, when he heard of any question being in danger of a wrong decision in congress, or any measure of wisdom and urgency requiring his support.

Thus very soon after he had joined in the vote for independence, having retired for a short interval to the pursuit of his studies and the care of his domestic concerns, he hastened back to Philadelphia on hearing that the plan of a confederation and a foreign alliance met with opposition and delay.

The anxiety of his mind on these subjects is plainly to be seen in a letter which he wrote to Richard Henry Lee, at this time. "I hurried to congress," he says, "to give my little assistance to the framing a confederacy and a plan for

CHASE.

ance; both of them subjects of the utmost importance which, in my judgment, demand immediate attention. The confederacy has engaged our close attention. Three great difficulties occur; representation, voting, and the claims to the south sea. These, in my opinion, be settled, if candour, justice, and the interests of America, were attended to. We do not see the importance, nay, the necessity, of a confederacy. We shall remain weak, distracted, and divided in our strength will decrease; we shall be open to all the insidious court of Britain, and no foreign power will lend to our applications for assistance, before we are united. What contract will a foreign state make with us if we cannot agree among ourselves? Our army at New York consists of six thousand men, of which three thousand are in the hospital, from the small-pox and other camp diseases. Our army at New York contains fourteen thou-

five men, and was intended as an alternative from conferring unlimited authority upon the commander in chief.

Pressing and important as were the duties of this executive committee, which, however, they soon found they could not fulfil, Mr. Chase was not therefore excused from giving his labour to other subjects. The removal to Baltimore, which occurred soon after, and the resolution providing that "general Washington be possessed of full power to order and direct all things relative to the department of war," superseded the executive committee and relieved them from a most embarrassing and perplexing task.

Another committee, of which he was a member, was appointed to devise means for suppressing the internal enemies of the union, and was obliged to notice the obnoxious conduct of the quakers, and to consider how far it was requisite to adopt strong measures in respect to them. The dangers of the period, and the magnitude of the stake, induced the committee to recommend, and congress to adopt, a measure that seems at this distance of time to have been harsh, but which was doubtless considered indispensably necessary at that crisis. This was the apprehension of several respectable members of the society of Friends at Philadelphia and elsewhere, and also the imprisonment of other persons whose conduct or conversation was exceptionable. This report and the agency which Mr. Chase had in its preparation and adoption, may have been the original cause of his thinking less unfavourably than a majority of his countrymen, at a much later period, of the sedition law, as it was called, which was founded on the same principle as these resolutions of the revolutionary congress, although it met with so very different a reception from the American people.

CHASE.

s which Mr. Chase and the other members of presented to congress, in support of their re- n, were, "that the several testimonies which blished since the commencement of the present ct Great Britain and America, and the uniform onduct and conversation of a number of persons le wealth, who profess themselves to belong to people called Quakers, render it certain and t those persons are with much rancour and bit- ected to the American cause: that as these per- n their power, so there is no doubt it will be on, to communicate intelligence to the enemy, s other ways to injure the counsels and arms of

n the enemy, in the month of December, 1776, their progress towards the city of Philadelphia, tious publication, addressed 'To our friends and

strong reason to apprehend that these persons maintain a correspondence and connexion highly prejudicial to the public safety, not only in this state, but in the several states of America :

“That it be recommended to the executive powers of the respective states, forthwith to apprehend and secure all persons, as well among the people called Quakers as others, who have in their general conduct and conversation evidenced a disposition inimical to the cause of America: and that the persons so seized be confined in such places, and treated in such manner as shall be consistent with their respective characters and security of their persons:

“That the records and papers of the meetings of sufferings in the respective states, be forthwith secured and carefully examined, and that such parts of them as may be of a political nature, be forthwith transmitted to congress.”

However severe this treatment of the members of a sect generally unoffending, and far from seditious, may appear at first view, there was certainly much provocation given by the quakers in their publications prior to this time, intended to thwart and discredit the plans of congress ; besides the detection of a systematic scheme of communication with the enemy, which had been put in practice by a monthly meeting in New Jersey.

The testimony published by order of a general meeting of the quakers of Jersey and Pennsylvania and by subordinate meetings, also contained many seditious sentiments, which were of course widely circulated, and which congress could not but feel to be at the same time insulting and injurious.

Thus in the beginning of the year 1775, they had published an address or testimony, in which they say, in reference to the revolutionary movements which had then taken place, “we

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ated public advices and private admonitions, favours to dissuade the members of our religious joining with the public resolutions promoted and by some of the people, which as we apprehended, and have increased contention, and produced and confusion.

therefore, incited by a sincere concern for the welfare of our country, publicly to declare against the usurpation of power and authority, in opposition to the Government, and against all combinations, insurrections, and illegal assemblies."

At the commencement of 1776, they concluded an address in these words, "may be in the abhorrence of all such writings and evidence a desire and design to break off the connection we have heretofore enjoyed with the king of Great Britain, and our just and necessary subordi-

But the heaviest grievance which they suffered seems to have been the inconvenience they were put to in consequence of refusing to keep the appointed fast days, or to celebrate the first anniversary of the declaration of independence.

“The houses of several Friends,” they said, “have been wantonly abused, and their windows broke and destroyed by a rude rabble, for not joining with the present rulers in their pretended acts of devotion, and conforming to their ordinances in making a show of that sort, in shutting up our houses and shops, professedly to observe a day of humiliation, and to crave a blessing on their public proceedings, but evidently tending to spread the spirit of strife and contention.

“The like abuses and wanton destruction of our property hath lately been repeated, because Friends could not illuminate their houses, and conform to such vain practices and outward marks of rejoicing, to commemorate the time of these people’s withdrawing themselves from all subjection to the English government, and from our excellent constitution, under which we long enjoyed peace and prosperity.”

Before passing from this view of Mr. Chase’s congressional services, which we have seen were not surpassed by those of any other member, it may be excusable to set forth, in part, a most eloquent state paper which he drafted shortly before he relinquished his seat in congress.

In the spring of 1778, intelligence was received of the intention of the British parliament to pass certain acts, called conciliatory bills, providing for the appointment of commissioners to treat with the Americans. Congress were very jealous of the operation of this news upon the zeal and determination of the people, and had no faith in the sincerity of the ministry, whom they suspected of a design to divide and distract, but not to conciliate.

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Its of intended bills were industriously, but
ted by the tories, until congress caused them
and circulated at the same time a counterv

The preparation of this paper was intrus
, Mr. Richard Henry Lee, and Mr. Gouvern
the actual composition of it was left to I
s marked by the nervousness of style and dire
tion that characterized his writing and conv
h less of rhetorical elegance than is found
g addresses, particularly that of the y
ed by Mr. Lee, it is not less persuasive :

ears had now passed away," thus it begi
ommencement of the present war, a—war wi
in the annals of mankind. It hath displaye
e most solemn that can possibly be exhibit
we behold fraud and violence labouring in

we shall establish our liberties and independence.—The haughty prince, who spurned us from his feet with contumely and disdain,—and the parliament which proscribed us, now descend to offer us terms of accommodation. Whilst in the full career of victory, they pulled off the mask, and avowed their intended despotism. But having lavished in vain the blood and treasure of their subjects in pursuit of this execrable purpose, they now endeavour to ensnare us with the insidious offers of peace. They would seduce you into a dependence, which necessarily, inevitably leads to the most humiliating slavery.”

The address then argues against reposing any trust in the conciliatory professions of the enemy, and calls on the people to make one strenuous effort more, which it promises will be sufficient: and concludes with an anticipation of the prosperity that would follow an honourable peace.

“If you exert the means of defence which God and nature have given you, the time will soon arrive, when every man shall sit under his own vine and under his own fig tree, and there shall be none to make him afraid.

“The sweets of a free commerce with every part of the earth will soon reimburse you for all the losses you have sustained. The full tide of wealth will flow in upon your shores, free from the arbitrary impositions of those, whose interest and whose declared policy it was to check your growth. Your interests will be fostered and nourished by governments, that derive their power from your grant, and will therefore be obliged, by the influence of cogent necessity, to exert it in your favour.”

In order to disseminate this address the more widely the aid of the pulpit was invoked, and it was recommended to ministers of the gospel, of all denominations, to read it im-

tation to speak, except for the pur-
judgments of the thirty or forty sed-
trious, who were not to be moved by
by the graces of rhetoric.

Yet it was said of Mr. Chase, that
debate, his ardour transported him
logic that the place seemed to require
house of delegates, of which he had been
ral years before he appeared in con-
election contests, which were carried
tion, he had improved to a high de-
powers of energetic, forcible delivery
party he was, therefore, styled the ‘
land ;’ and it was reported of him that
gress the regular proposition of indepe-
passioned and vehement exclamation
of heaven, he owed no allegiance to
tain.”

Ardent, active and undaunted he
in congress, but every where, in the
his very entrance upon the stage of
summation of his wishes in the year

His habits of study were never interrupted, except when they gave way to the calls of public duty. He found time, in the midst of all the anxieties and agitations of the revolution, to make himself a very accomplished lawyer, and never lost his rank as such among competitors who had given much less of their attention to affairs so disconnected with their professional advancement.

To the pursuit of eminence and honest profit at the bar, he devoted the last two or three years of the war; and at a private station hailed the return of peace and the establishment of secure independence.

In the year 1783, an incident occurred that, both on account of the importance of its consequences and the strong light in which it displays the warmth of feeling and keen penetration of Mr. Chase, ought not to be omitted.

Being in Baltimore, he was ordered to attend, as an auditor, the meeting of a debating club, composed chiefly of students and very young men. Among the speakers there was one whose excellent style of delivery, free flow, and strength of argument, particularly caught his attention. He spoke to the youth after the debate had closed, and found he was from Annapolis, and had been placed with a physician and apothecary in Baltimore, where he compounded medicines, and expected to receive instruction in pharmacy and medical practice. Mr. Chase advised him to study law, and encouraged him to hope for success in the legal profession. To this the youth replied, that he could not afford to go through the preparatory course of study, being entirely without means, and having no dependence except upon his own immediate exertions. Mr. Chase, with the sympathy of kindred genius, felt for the friendless youth an instantaneous regard, and perceiving at once the indication of great native powers, resolv-

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and so highly gifted should not languish in obscurity, therefore invited the young man to the benefit of his instruction, and his table; and urged upon immediate acceptance of the offer so earnestly, that he gladly accepted, and the fortunate youth remained in Annapolis, where he became established in the character of a generous benefactor.

This man was William Pinkney, afterwards the attorney general of the United States, minister successively to the courts of London, Naples, and St. Petersburg, and the most distinguished lawyer in America.

The dependence which young Pinkney was obliged to endure, subjected him to many mortifications, and the pride and the prejudices of his associates, who, or he, have looked forward to the brilliant career awaited him, their pride and his distress would have vanished. Under the pressure of such feelings

friend! Assist me to struggle through my difficulties, and kindly smooth the rugged path before me!

“ You, give me leave to say, sir, know what it is to climb the steepy road to eminence,—your merit encountered many an adverse shock, but you surmounted all ;—my poverty and singular backwardness of genius are too powerful obstacles for me to combat. To you, then, I look up as my guardian genius, my protector, my prop ; do not let me be deceived. do not let me be disappointed. Pardon this incoherent scrawl. I have been lately extremely ill, and am but just recovering : weakness prevents me from proceeding farther than to wish you uninterrupted health, together with

‘ The soul’s calm sunshine, and the heartfelt joy.’ ”

This letter was written while Mr. Chase was in England, to which country he had gone at the request, and on behalf of the state of Maryland, for the purpose of urging a claim to certain bank stock, in which a large amount of the funds of the former colony had been invested before the revolution.

In the month of June, 1783, the legislature of Maryland passed an act “ concerning the stock of the bank of England belonging to this state,” by which it appears that there had been a large sum of money, besides bank stock, belonging to the state, left in the hands of an agent in London. The general assembly thought it expedient to take measures to obtain this money, or the stock in which it had been invested, and by this act, authorized the governor and council to appoint, “ in the name and behalf of the state, some discreet person of abilities and address, to be agent and trustee” for such purpose. Mr. Chase was selected for this employment, and was promised a commission, not exceeding four per cent.

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was recovered, in full satisfaction for all his expenses were to be paid by the state, if he should obtain the stock.

He went to London, and instituted a suit in chancery for the transfer of the stock, but did not remain there. Before his return, however, he had put the case before the adjustment which was finally made, and he had joined his efforts in the same cause. He ultimately recovered through this negotiation, one hundred and fifty thousand dollars.

He remained less than a year in England, during which he gratified a rational, and, it may be said, a curious propensity, in observing the proceedings of the various branches and the two houses of parliament. He made many acquaintances among gentlemen of the highest parliamentary or literary celebrity; and the free and frankness, fine flow of spirits, and remarkable

number of diamonds. The princess royal was dressed in a white and blue figured silk, and the princess Augusta in a rose coloured and white silk, of the same pattern with her sister's; having both more neat dresses ornamented with diamonds. The prince of Wales wore a sur of dark blue Genoa velvet, richly trimmed with gold lace. The royal family were seated under three state canopies: their majesty's was a domo, covered with crimson velvet, surmounted by an elegant cornice and mouldings, carved and gilt, and burnished gold, under which was hanging a drapery of crimson velvet tied up with gold knots and tassels; and above that a drapery roller, the whole trimmed with rich gold lace, and fringed and ornamented with embroidered stars, parterres, &c. &c. of various colours. On a rising pedestal from the domo, were a lion and unicorn, carved and gilt, couchant, supporting a very brilliant crown proper. The front of the box, raised by a platform projecting on the stage, was covered with crimson velvet, laced and fringed, in the centre of which were the royal arms, supporters and motto, most elegantly and beautifully embroidered on folds of their own proper colour, terminating on each side with scrolls and parterres in the same manner. From the capping hung a festoon, vallon, laced, fringed and decorated with embroidered stars. The inside of the box, which was very spacious, was hung with crimson satin, laced with gold, and the chairs were cabrioles, carved, gilt, and covered with crimson velvet. The queen sat on the left hand of the king, next the stage: two ladies, one the duchess of Ancaster, attended on and stood behind the queen, two noblemen attended on and stood behind the king."

He passed much of his time while in England in the society of the most eminent lawyers: was frequently in company with

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men Pitt and Fox ; and had the gratification of
t of Edmund Burke, for one delightful week, at

l of March, 1784, at London, he was united to
e, Miss Hannah Kitty Giles, the daughter of
Giles, of Kentbury ; and soon after this event
America.

ats of this agreeable residence in England,
me of many of his conversations in his latter
curred always with pleasure to his intercourse
arkable personages of that country. But he
o have acquired any admiration of the British
hich he ever spoke of as corruptly, though
ered.

sation having been contingent, and the delays
roceedings having made it impossible for him
ssue of his labours, he returned much impover-

ment, and that his said conduct merits and therefore merits the approbation of this general assembly."

In the year 1786, he removed from Annapolis to Baltimore. The occasion, or at least a part of his removal, was the pressing invitation and generous proposal of his friend Colonel Howard, the distinguished soldier of the revolution, whose heroism at the battle of the Clouds has identified his name with the just pride of our nation.

Colonel Howard possessed a large estate in the immediate vicinity of Baltimore, on which a portion of the city has since been built; and being anxious for the improvement of the town, and highly appreciating the possible acquisition of such a man as Mr. Chase to his neighbourhood, liberally offered him a square of ground, without any other consideration than the actual residence of himself and family upon it.

Colonel Howard's written proposal was dated the thirteenth of February, 1786, and is in these words: "Sir—I understand you have determined to remove to Baltimore town, which I approve and would encourage. I will convey to you, in fee, one square of ten lots of my land, near the square laid out and intended for the public buildings, without any consideration; and if the seat of government should be removed, and the public buildings shall be erected on my land, in such case I will convey to you, in fee, another square of ten lots, adjoining the square above mentioned, without any consideration."

This singular offer, characteristic alike of the liberality of Colonel Howard and the estimation in which he held the influence of Mr. Chase, was immediately accepted; the square was laid out between Eutan, Lexington, Fayette and Paca streets, the conveyance was regularly made, and Mr. Chase

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site the house of his permanent abode, where he
d, and which he left to his descendants.

On the occasion of his removal from Annapolis he received an
compliment from the corporation of that city,
had been the recorder. It was dated the seventh
mber, 1786, and was expressed in these words:
Mayor, aldermen and common councilmen of the
opolis, impressed with a due sense of the services
this corporation by you, in the capacity of re-
of, do take this occasion to assure you of their
bation of your conduct, in the performance of
that trust, and to acknowledge your ready exer-
imes to promote the interest and welfare of this
sincerely regret the occasion of this address,
oval from the city of Annapolis will deprive this
thful and able officer, and the city of a valuable
u have our warmest wishes for your happiness

"As one of the delegates of Annapolis, my public powers were exerted on all occasions to promote the interest and welfare of the city; and supported by my colleagues, my endeavours were in some instances crowned with success. I feel myself amply rewarded by the approbation of the body over whom you have the honour to preside. There can be nothing more agreeable to a public character, than to receive the public approbation of his conduct, from those who speak the collected and unbiassed sense of his constituents; and it is the only reward a free and virtuous people can bestow, and the only one an honest representative can expect.

"Be pleased to present the corporation my warmest wishes for their prosperity, and I sincerely hope that the city of Annapolis may be for ever distinguished for the harmony and friendship, the benevolence and patriotism of its citizens."

In the year 1788 a new court of criminal jurisdiction was organized, for the county and town of Baltimore, of which Mr. Chase was named the presiding judge. This office being similar to that of recorder, which he had held at Annapolis, did not preclude him from the exercise of his profession. He continued at the bar, and served also in the convention which ratified, on the part of Maryland, the new federal constitution; but in the year 1791, on the resignation of Thomas Johnson, he finally relinquished the practice of the law, in accepting the appointment of chief justice of the general court of Maryland.

The attractions of judicial station seem to be irresistible. The acceptance of it generally involves a sacrifice in point of income, and the relinquishment of an honourable profession, for a position of great labour, vexation and responsibility; yet such appointments are seldom refused. Mr.

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still in the meridian of life, and possessed of acquirements that ensured a lucrative career at which he unhesitatingly gave up the prospect of prominence, together with the opportunities of political life which his character and situation would have afforded. He chose his reputation as a judge the chief criterion to which his name must be estimated by

When the new constitution went into operation, judge Chase was not at first altogether pleased with the state of affairs. His construction of the relative powers of the executive and the senate, in respect to appointments, was singular at this time. Our ideas of the constitution were now formed more generally from observing its operation, than by study of its written provisions; and at the beginning of its existence the letter of the instrument was the only guide, and looking to that alone, he sup-

factures, if you have any power by the constitution to impose taxes or duties for these purposes. I perceive by the bill for the establishment of the judicial courts, that the jury trial is secured. If the jury trial depends on a law, I suppose it may be modified, or taken away by another law. I think the bill is ably drawn. I think there are some defects. The circuit courts ought not to have jurisdiction of cases under eight hundred dollars. The district court ought to have jurisdiction of juries to the amount of eight hundred dollars. The same persons ought, on no account, to be judges of law and equity. The restriction on the jurisdiction of the courts of equity will render the court useless in a thousand instances, in which it ought to have jurisdiction. It is difficult to define its jurisdiction, but the limitation will do great injury. I have written my idea of a proper clause, pointing out in what cases the equity courts shall have jurisdiction, to Mr. Housy. I consider the district court as the most useful and important; the superior court as the most honourable and profitable. If it is intended to give the district judge jurisdiction of prizes in time of war, his office will be very important, and will require considerable abilities, as well as integrity. I say if *intended*, because it is omitted."

A few years after this time, the unhappy dissension arose which divided this nation into parties, called federal and anti-federal, or federal and democratic.

The federal party was charged with entertaining aristocratic notions, and partialities for England; and with desiring to strengthen the executive branch of the government, and to depress the rights or disregard the will of the people.

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seen in the letter just cited, what were judge's general sentiments on the subject of the constitution, with his construction of the executive powers, he was not sufficiently democratical.

Seen also, in the events of his early years, how he served the cause of the people against the influence of the aristocracy and the royal power.

As to his feelings towards the British nation, there is the evidence which his actions afforded, that he was not actuated, instead of partiality and attachment, a deep and perhaps excessive animosity. Speaking of the relations between England and France, in a letter to an intimate friend, "I wish most cordially to see that proud, tyrannical nation," meaning England, "reduced to peace from her ancient and inveterate enemy."

His principles and sentiments, neither changed nor softened, he became a zealous and unwavering federalist.

certainly judge Chase was at the same time a sincere patriot, a true republican, no lover of England, and yet a decided, warm, and unwavering federalist.

His political opinions being founded on honest feelings, his ardent temperament did not suffer him to remain a lukewarm politician, in a period of universal excitement. He therefore expressed himself freely and forcibly on the subject at all times, and made many enemies by so doing.

In the year 1794, some excitement of popular indignation at Baltimore, occasioned a disgraceful riot, in which two men were tarred and feathered in the street. Judge Chase took a stand on this occasion highly honourable to his firmness, and his resolute determination to assert the supremacy of the law. Holding at this time, the office of chief judge of the criminal court, he took measures for an investigation of the outrage; and caused two men, of very respectable standing, and great popularity with the ruling party, to be arrested as ringleaders.

The court room was crowded by many who had taken active parts in the riot, and hundreds of the same character were about the court house, with drums and fifes, and with colours flying. The persons arrested refused to give surety to appear at the next court—"Then," said the judge, "you must go to jail." One of the most opulent citizens proposed himself as surety, but the prisoner refused permitting it, when the judge ordered the sheriff to take him to prison; the sheriff replied that he could not take him; the judge then told him to summon the posse comitatus to his assistance; it was answered, he could get no one to serve,—the judge then said, "summon me, sir, I will be the posse comitatus, I will take him to jail." A member of the bar, of the first respectability, then addressed the judge, advising him to pass

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ir, and intimating to him, that he apprehended his property were in danger. "God forbid," replied the judge, "that my countrymen should be guilty of so daring an outrage; but, sir, with the aid of God, I will do my duty,—they may destroy my house, they may pull down my house over my head, they may make a widow of my wife, and my children fatherless; but the life of one man is of little consequence compared to the laws of the land—with the blessing of God, I will do my duty, be the consequences what they may." This gave the parties time to reflect upon the impropriety of yielding, and appointed the next day for the trial. It was observed that the morrow would be a fast day. "No better day," replied judge Chase, "to try a man for the good of our country; I will meet you here, and under the shadow of the house of my God!" Not obtaining security on Sunday, he sent an express to the

jury. And, secondly, of having violated the bill of rights, by accepting and exercising, at the same time, two different offices,—chief judge of the criminal court, and chief judge of the general court of the state.

The reply of judge Chase was marked by temperate moderation and firmness. He gently reminded them how much they had gone beyond the proper sphere of their duties in meddling with such subjects as the holding two offices, and justified his censure of the sheriff as well founded, to the extent that he had actually uttered it.

In the conclusion of this reply he told the jury, “you will, gentlemen, continue to do your duty, and I shall persevere in mine; and you may be assured that no mistaken opinion of yours, or resentment against me, will prevent my having respect for you *as a body*.”

In the year 1796, he was appointed by president Washington to the office of an associate judge of the supreme court of the United States. In this exalted station he continued about fifteen years, distinguished by the dignity and ability with which he performed its functions.

His decisions were seldom if ever reversed, his ability was conspicuous, his industry and integrity were unquestioned; his legal opinions and instructions to juries were marked by sound sense, clear demonstrative logic, discrimination and learning; expressed in perspicuous language, and delivered with remarkable impressiveness of manner.

He may fairly be said to have been a great judge; and was pronounced by a very distinguished lawyer of the Philadelphia bar, who was not his personal nor political friend, the “greatest” that he had ever seen; meaning, by that often misapplied term, the most prompt, sagacious and learned.

aped condemnation.

The true cause of this incident in his life was his habit of unreservedly expressing opinions on politics, and censuring freely where he thought he deserved.

In the year 1800, he held the circuit court at Philadelphia. Judge Peters, the district judge, at Philadelphia. Among the prisoners to be tried was John Fries, who had been charged with treason in raising an insurrection against the general government.

Fries had already been tried and convicted by Judge Iredell and Peters ; but a new trial had been granted on account of some irregularities on the part of the court. Fries had been strenuously defended by M. Dallas, lawyers of distinguished talents, who took the case on a point of law, and admitting the facts, had contended that all his misdeeds did not constitute the legal definition of treason.

The court had on that occasion given an opinion on the law of treason, which had been

ney, of the judgment which he had formed respecting the law.

With the approbation of judge Peters, therefore, he caused three copies to be made of his opinion, of which, when the court met, he gave one to Mr. Lewis, and one to Mr. Rawle, the district attorney, reserving the other avowedly for the use of the jury that should be impaneled. He told the lawyers, however, that he did not mean to prohibit their arguing the matter to the court or to the jury.

Mr. Lewis and Mr. Dallas, knowing that their client's case was desperate, immediately refused to attempt any defence, declaring that the cause had been prejudged. The next day judge Chase, finding the lawyers had, as judge Peters expressed it, "taken the stud," endeavoured to prevail on them to proceed with the cause, assuring them of every possible privilege and indulgence; but they thought the chance of obtaining a pardon would be better if Fries were convicted without any attempt at a defence, and they knew there was little hope of producing a result different from the former verdict.

Fries was tried without counsel, declining to allow others to be assigned for him; and convicted; but afterwards pardoned by the president.

The justification of judge Chase's conduct, in this matter, was very plain, to impartial spectators.

He had no motive for desiring to injure the prisoner, or to prevent him from having a fair trial. His uniform practice had been to war against the proud, not the abject. Stern and severe as he was in the administration of justice, he never had been known to be cruel or oppressive. In appraising the counsel beforehand, of his opinions, he only did what the customary charge to the grand jury always does, and much

The congress were at that time in session, the arena of licensed animadversion, the political judge did not think of insinuating a censure. after, this was made the prominent article of a charging him with conduct "arbitrary, oppressive, unjust," and with having brought disgrace on the American bench.

In the course of the same spring, he held the the Virginia district. One Callender had published what was called a libel, of a very atrocious character against the president ; and was tried for it at this court. Judge Callender, of course, heard of the man and of the publication, but did not consider himself bound by any obligation of law to suppress his opinion of both. He approached the case, ever, with no wish for the success of any thing but the truth. Certain technical questions arose as to the competency of the juryman and the admission of evidence, which Judge Callender opened to rule in such a way as was not pre-views of the prisoner's counsel, who besides being surprised by his decisions upon these points, were struck by the energy and abruptness of his manner.

Whether he was right in a legal view is

for him to give a charge to the grand jury, instructing them in the definitions of the crimes to which their attention would probably be directed.

The sedition law was at this period in force; a severe and impolitic law, it may be said to have been; and as it proved, an unfortunate enactment for the principal promoters and defenders of it. Still it was the law of the land, and judge Chase was bound to carry it into execution. It may be presumed, too, that he felt no repugnance towards this performance of his duty. The law resembled in its principles the resolutions of congress passed in 1778, which, as we have seen, were founded on a report, in the preparation of which he had joined, and were directed against the disaffected Quakers, whose sole offence was indiscreet or mischievous talking, and who were treated on that occasion with quite as much severity as was contemplated against the objects of the sedition law.

Judge Chase had always been in favour of strong measures, in the pursuit of what he thought a good object. Thus, we have seen him in 1765, joining if not leading a mob, in the insult to the stamp distributor; afterwards in 1777, he proposed to compel the tories to lend to congress, by making loan-office certificates a tender in all cases, so that, if A, a whig, owed B, a tory, instead of paying him money, which B would not lend to the continental government, he might pay the money into the treasury, and give B a loan-office certificate; a high handed measure certainly, this would have been, but the end would perhaps have justified the means. So again in 1778, he recommended the arrest of the Quakers; in 1794, he insisted on the imprisonment of the Baltimore rioters, and it is not surprising that

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looked upon the sedition act as the wisest
of all possible laws.

He only thought it incumbent on him to direct the
grand jury towards a newspaper of noto-
rious character, which he understood or had reason to be-
lieve was grossly transgressing the law intended to curb
the excesses of the press. Judge Bedford, who sat
on the bench, did not think it necessary to meddle
with the case, but the characteristic observation of J.
"My dear Bedford, wherever we are, we
shall be there."

Changes were seen within a short time follo-

Mr. Jefferson was elected president, the
Constitution was repealed, the judiciary system was enlarged
and cut down, the Maryland constitution in-
validated;—but party spirit remained undiminished
until 1803, when the disputes on political ques-

He also inveighed against the alteration that had been made in the judiciary system of the union, and argued fully against doctrines which he ascribed to the political leaders of the majority.

In January 1804, Mr. Randolph, incited by political animosity, moved in the house of representatives, for the appointment of a committee to inquire into the official character of judge Chase, and assured the house that there was ground for an impeachment.

The committee made their report on the sixth of March, recommending an impeachment; and on the twenty-sixth, the articles of impeachment, six in number, were reported. At the opening of the next session, Mr. Randolph renewed the matter, and two new articles were added. In due process of time and form, the senate was organized as a court, and he was put on his trial, which began on the second of January, and continued, after an adjournment, on the fourth of February, till the first of March, 1805.

The accusations were all founded upon the conduct which we have mentioned, at Philadelphia, Newcastle, Richmond and Baltimore, but attributed the worst of motives for that conduct which we have described as proceeding only from an earnest, and perhaps excessive love of justice, and zeal for political truth.

The details of the trial could not be given here, without swelling this memoir to an unreasonable extent. The utmost efforts of Mr. Randolph and the other managers were exerted to produce a conviction, and it was said that much reliance was placed on the spirit of party, and great exertions made to obtain an agreement among the majority to seize this opportunity of crushing a political foe, that had never spared his reproaches of their policy, their principles or their cha-

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it may well be doubted whether any such union was made, and certainly no such combination

assisted by four able counsellors and fathers, Messrs. Martin, Harper, Hopkinson and Key. The defence was managed with skill and dignity. The arguments were all extremely cogent, but it is difficult to say, in comparison to the others, to say that the speech of Mr. Chase, who was then a very young man, has not been a specimen of powerful and brilliant eloquence in the oratory of our country.

On the charges, he was acquitted by a majority of the jury; on the articles relating to the address to the grand jury, and the refusal to admit evidence at the trial at Richmond, a majority of the jury was against him, but as a vote of two-thirds is necessary for conviction, he was declared to be acquitted of the whole.

difficulty be withheld by his counsel from breaking out in open maledictions and scorn, before the high tribunal that was to decide upon his official character.

From this time he continued in the undisturbed exercise of his judicial functions, which he discharged with undiminished ability; and endeared to his family and his friends by the kindness and generosity of his private life and the charm of his conversation, which was singularly instructive and agreeable.

Among his virtues, may be included a heartfelt piety and firm belief in the truths of christianity. As a member of St. Paul's parish, he was at all times ready to afford his useful assistance and advice gratuitously to the vestry, on occasions of difficulty and embarrassment.

In the year 1811, his health gradually failed; his disease was slow in its progress, but of a nature to threaten certain dissolution. In the spring of this year he was compelled by increasing debility to forego his favourite exercise of riding on horseback; but continued to take the air daily in an open carriage. On these occasions he was always attended by one of his family, and being an enthusiastic admirer of the charms of nature, he discoursed with animation on the scenes that presented themselves before him. He was well aware that he had not long to remain with his family, and frequently conversed upon the subject, expressing himself with confidence and hope as a christian.

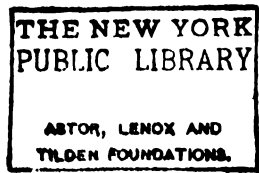
A short time before his death, he expressed a desire to receive the sacrament, and held several conversations on the subject with the clergymen of the episcopal church, in Baltimore. It was accordingly administered to him by the late Dr. Bend, after which he declared that he was in peace and charity with all mankind.

CHASE.

eteenth day of June, he had taken his customary returned much exhausted by the sultriness of the s death was now manifestly approaching. After s were summoned to attend him, he spoke of his cerns, gave several directions concerning his d was perfectly calm and resigned. He expos- his family against indulging the grief which ances betrayed ; and declined taking a draught hat was offered to him, saying as he put it aside, life." He expired so gently, that those around knew when he had ceased to breathe.

ill bespeaks a characteristic dislike of outward direction, that no mourning should be worn for request that his tomb should have no other in- n his name, with the dates of his birth and his

safely said that Samuel Chase was one of the



CHASE.

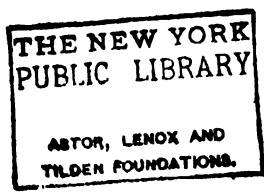
g man ; but an old man, Mr. —, would democrat.”

an could not fail to make enemies ; but he was able to retain through life the warm attachments whose persevering affection was a proof of his virtues, more honourable to his memory than any eminence of his public character.

Paca was his intimate and most confidential friend from the beginning of their career of professional life, in 1761, till his death, in 1799.

ward, James M'Henry, Luther Martin, Ives, bishop Carrol, and Nicholas Rogers, were his friends ; and other exalted names might be added to the list.

He was so active ; the part he bore in a period of such difficulty so important ; the incidents of his life so numerous ; that this sketch must be consi-









WILLIAM PACA.

WILLIAM PACA, the second son of John Paca, of Harford county, in the state of Maryland, was born on the thirty-first of October, in the year 1740.

His father was possessed of large estates, and held an office of trust and profit under the provincial government; and being sensible of the advantages of a good education, spared no expense or pains to procure for his children the best instruction that the country could supply.

William was sent to the college at Philadelphia, then in high repute under the presiding care of the learned and eloquent Dr. William Smith, and was placed under the special superintendence of colonel White, father of the venerable bishop White, who watched over him with parental anxiety.

He was graduated as a bachelor of arts on the eighth of June, 1759, in the nineteenth year of his age, and immediately afterwards commenced the study of the law, at Annapolis, in the office of Stephen Bordley, one of the most profound lawyers of his time.

Mr. Paca continued to be an industrious student for four years, in the course of which period he contracted a matri-

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engagement with Miss Mary Chew, daughter of Sir
gentleman of distinguished family and large
g in Ann Arundel county.

ady he was united in May, 1761. He had
o lose her after a few years of happy union
g of the revolution. They had five children,
ed young, except their son John P. Paca v
e, and married Miss Juliana Tilghman, dau
ard Tilghman, by whom he has several ch

was admitted to the bar, at the provincial co
enth of April, 1764, and established him
e, where he soon became eminent in his pro
d been licensed to practise in the mayor's cour
s only competitors residing at Annapolis, w
and Samuel Chase, with the latter of whom,
hly distinguished in the revolution, he contri

The citizens having chosen those two young men to be their members of the legislature, at the same time appointed them to convey their approbation to the able advocate of the rights of the people, in opposition to the prerogative of the crown ; and their letter to Mr. Carroll asserts the doctrine, which was still to be established through years of bloodshed and privation, that the imposition or regulation of a tax, by executive authority, was an act of tyranny not to be endured. The occasion which led to this early assertion of sound principles, and which subsequently produced an important occurrence in which Mr. Paca was the chief actor, deserves some explanation and detail. To understand it fully it will be necessary to advert to the organization of the provincial government, and the means possessed by the government and people to maintain or resist oppression.

The government, as established by the charter in 1632, although well guarded against any interference on the part of the king and parliament over its domestic concerns, did not promise the same security against proprietary usurpation. The people had no share in the administration, except that the popular legislative branch belonged exclusively to them ; no law could be passed without their consent. This privilege was exercised by deputies, duly elected by the people, and forming the " house of burgesses," or lower house of assembly. There was a second legislative branch, called the upper house, the members of which held their places at the will of the proprietor, as did every other officer in the government, down to the lowest constable.

The proprietor himself generally resided in England, and exercised a power of dissenting from laws, after they had passed through all the authorities here ; and his governor, in

PACA.

e, formed a third branch of the legislature, v
ssent no act of assembly was complete; an
s patronage, prerogative and wealth, there
this lower house of assembly, with their s
erjeant at arms.

the government was thus armed, oppression
measure averted. There was from the begin
mes, a protecting spirit, the inhabitant of a
enominated the country party, composed of
incial population, excepting the proprie
This party sheltered the people, and their ri
subjects; the people were ever most faithfull
their popular branch; it was unyielding, da
ful. How could it be otherwise, when it wa
le spirit, which had induced them or their an
rom tyranny and settle in a wilderness inhal

appeals and fair representations could have been made to the king, perhaps he would in most instances have taken side with the colonists.

At the period above alluded to, between the years 1770 and 1772, there were, before the Maryland public, two subjects of great interest, independent of those which brought on the American war. The one related to an ancient act of assembly, by which a general poll tax had been laid for the support of the Maryland clergy belonging to the church of England, as established by law. This ought to be mentioned for the purpose of reference to a learned opinion given by Mr. Paca in the year 1772; when he contended against two very great lawyers, Daniel Dulany and James Holliday, that the act never had validity; it having been passed by a Maryland assembly after its dissolution by the death of William the third. The three opinions, which are very much at length and full, may be found in a compilation published in England by George Chalmers; entitled the "Opinions of eminent lawyers on various points of English jurisprudence." The perusal of Mr. Paca's opinion will satisfy any professional man that he was a well educated and profound lawyer. But as the act of assembly had been in operation for many years, he could do but little more than utter an unavailing denunciation. On the other interesting topic, which produced the incident above alluded to, his labours were not in vain.

Mr. George Chalmers, who published the above opinions, as also a valuable work called "Political Annals," was a lawyer settled in Baltimore at the time of the revolution. He took side against the country, went to England, and was employed for many years at the plantation board; amongst whose papers, he probably found these documents, as also

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published in his collection, the whole of v
merican colonial affairs.

ature of the province of Maryland had be
r many years antecedent to 1770, of pa
aws for regulating the staple of tobacco
officers' fees. In the year 1771, an act of
expired, and the house of burgesses had re
, unless great alterations were made in th
they considered ambiguous, and greatly
the services to be performed by the propri
agreement could be made, and the fee bil
of affairs governor Eden issued a proclam
officers to act under the old law. This pro
a violent commotion in the province; it
n attempt, on the part of the governor, to
the assent of the people, and brought on a
the two parties, which was conducted wit

Notwithstanding these warnings, the governor issued his proclamation, and in the midst of the irritation occasioned by it, the scene above alluded to was exhibited in Annapolis. The country gentlemen affected to consider the proclamation so abominably odious to freemen, that it deserved nothing better than a gibbet; they accordingly, having a crowd of citizens, with Mr. Paca and Mr. Chase at their head, in open day formed a procession, taking with them the said proclamation, written on a conspicuous paper, with a small coffin, and proceeded to a gallows erected for the purpose, just outside the city, hanged it thereon by a halter, the usual time that a malefactor is suspended, then cut it down, enclosed it in the coffin, and buried it under the gallows,—minute guns firing from an elegant armed schooner, belonging to Mr. Paca, during the whole ceremony. The gentlemen then marched back to the city in order, and passed the rest of the day in festivity.

It may seem extraordinary that there should have been an armed vessel so long before the revolutionary war. It happened in this way: the gentlemen whose estates were situated on the navigable waters of the Chesapeake, contended with each other for superiority in their bay boats; and Mr. Paca put small ordnance on board his, for a distinction; so that when he came to Annapolis, his arrival was frequently announced by the sound of cannon.

At this juncture, there were doubtless many of the proprietor's adherents, perhaps the governor himself, in the city; his party, strong in numbers, and some of them high spirited men, were quick to resent any thing like a personal indignity, and amongst them there was a gentleman of fine talents, a native citizen of much wealth, and descended from a patriotic family, who had been educated in England, with a

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becoming a champion on the side of the people. When a man was hung on his land, he had taken an oath for the government, and wrote largely in favour of the government; the publications were long, numerous and yet exist in the ancient file of newspapers in Maryland Gazette.

Means as those above mentioned, and good management, bold, timely, intimidating expression and display of power; subordinate nevertheless to a common union, ever at variance with authorities derived from the king; our people kept these authorities, continually of discipline, and within constitutional bounds. After for them, than if the encounters had been with the king himself. The controversy was especially between the two houses of assembly, often with the proprietary governor. Thus it passed down like an inheritance from father to son,

than a century ; and no colonists in America had a better knowledge of them, or were more resolute in their defence ; their history is little known, because it was like a family quarrel, and unheard of except within their own boundaries ; whereas, that of the other colonies, except Pennsylvania, was from the beginning, with the king himself, and of course a subject of greater notoriety. There may yet arise some one to tell their tale.

When the act of parliament which closed the port of Boston was first heard of, a convention of deputies from the patriotic portion of the community in each county of Maryland, assembled for the purpose of consultation. The sentiment of indignation against this act of vindictive tyranny was universal, as was the feeling of sympathy for the injured Bostonians ; no definite course could, however, yet be pointed out, as the most likely to lead to a redress of grievance ; but a congress of the several colonies having preceded, if not occasioned, the repeal of the stamp act, a few years before, a similar measure at once suggested itself to the minds of all. The committee of correspondence of Massachusetts had written letters, proposing such an assembly to be held at Philadelphia ; and the Maryland convention, acceding to the plan, appointed Mr. Paca, along with Mr. Chase and three others, to attend the congress, "to effect one general plan of conduct, operating on the commercial connexion of the colonies with the mother country, for the relief of Boston and the preservation of American liberty."

The proceedings of that illustrious congress are too well known, to require that they should be detailed here. The object in view was conciliation, and a chief part of the business transacted during the session, was the preparation of the eloquent addresses or memorials to the king, the people of Great

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the people of the colonies. Besides issuing official state papers, the congress adopted the new association, and all the members signed it in order to give it such an evidence of the seriousness of their belief that injury had been done, and that such a declaration would have some effect on the determination of the British government, or the disposition of the British nation. One of the remarkable clauses in this agreement, or treaty, strikes the mind of the reader most forcibly, and shows the honourable feelings which prevailed here, in spite of the narrow prejudices of the British government, by which the slave trade was to be renounced. Thus early did the American people bear witness against that inhuman traffic, which the British government not only continued to permit, but in the spirit of double cruelty, strenuously endeavored to force upon the unwilling colonies.

Scarcely had he liberty to withdraw his close attention from the peculiar difficulties of the south, before he was appointed to attend to an alarm from the colony of New York. And while he was devoting his mind to these duties, his purse was open to the use of his public spirited countrymen ; a volunteer corps of whom he and his friend Chase supplied with rifles, at an expense of nearly a thousand dollars.

Mr. Paca was, during the year 1775, and part of 1776, restrained from openly advocating that national independence to which he was looking forward with such anxious hope, and for the attainment of which he was labouring so zealously in all the affairs appertaining to a state of actual war, that were agitated in congress.

The people of Maryland were not yet ready for a step so decisive as a total renunciation of the royal authority ; and it having been rumoured that such a plan was advocated by some rash persons, the convention early in the year 1776, in great alarm lest the young men that represented that province in congress should join in such a measure, tied them up by instructions which strictly enjoined upon them not to consent to any proposition for declaring the colonies independent ; a resolution was at the same time adopted, that Maryland " would not be bound by the vote of a majority of congress to declare independency," accompanied with strong professions of loyalty and affection towards the king and mother country, and an assertion that Maryland did not entertain any views or desire of independency.

Under this galling bondage were Mr. Paca and his colleagues obliged to rest. They did not resign, because they hoped for a change in the wishes of their constituents, and they feared to vacate those places which might be filled,

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fluence of the unhappy spirit then prevalent, v
ite principles to their own.

continued therefore in the assiduous discharg
ntributing his efforts to produce such a st
he hoped would render a separation from Gr
repugnant to the inclinations of Maryla
ngly assisted in planning a naval armame
ing to his instructions could carry no indep
the procuring of saltpetre and other munitie
be waged against the forces of a king, to wh
l convention were offering vows of loyal att
in the organization of an army to be c
esisting the orders of that government, fr
nstituents declared they had no wish to se

iddle of May, at the very time when cong
ng that the royal authority had ceased, and

gave his cordial vote in favour of the proposition, and inscribed his name upon the declaration, which is destined to be read by the remotest posterity.

On the day when the declaration was dated, Mr. Paca was re-elected a delegate, and within a few weeks he had the satisfaction to see a resolution of the Maryland convention, approving of the decisive step, and pledging the lives and fortunes of the members in support of it. He was again chosen on the fifteenth of November of the same year, and on the fifteenth of February, 1777, and continued to be an active and efficient member of congress, during that season of severe trial and anxiety. He finally retired from congress at the close of the following year.

Nor was it merely in the general councils of the confederation that Mr. Paca took part during this period. He was at the same time actively employed in maintaining the good cause among the citizens of his own state, encouraging them to persevere, and employing all the resources of his mind to combat with the unceasing difficulties into which the declaration of independence had thrown them. Although an actual delegate in congress, he served as a member of the council of safety, whose duty it was made to regulate all operations for the security of the state, and to provide for its safety and defence; employing his personal exertions for the fulfilment of his trust, and animating his countrymen by his zeal as well as by the readiness with which he embarked and risked his large and much exposed property. In the month of August 1776, after having affixed his name to the declaration of independence, he went to the state convention assembled at Annapolis, and as a delegate from that city, took a prominent part in the discussions on, and formation of a new constitution founded on the change of government. In this con-

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warmly advocated all the principles which he had in congress, principles which should render the useful and powerful member of the great convention into which she now entered as a sovereign power. In the adoption of the new constitution, it will be supposed he was not omitted among those whom the people were to administer its offices; he was immediately elected to the office, and held that post for nearly two years. In 1786, he was again chosen to the same station, but afterwards resigned it. It may be remarked, that his popularity was not confined to the place of his residence; he was at different periods a representative both of the Eastern and Western Shores of Maryland.

In 1777, Mr. Paca was married a second time, to Miss Harrison, the second daughter of a highly respectable gentleman of Philadelphia, but as in the previous marriage, without long enjoying the happiness of his union.

performed with singular discretion, and with unimpeached correctness and integrity. His decisions met with the approbation of foreign governments and jurists, and several of them were so much esteemed as to draw from the count de Vergennes, at that time prime minister of France, an expression of high admiration, which he directed the chevalier de la Luzerne, the envoy of that nation, to communicate in his name to Mr. Paca.

From his duties to the confederation, he was soon recalled to fulfil the more immediate claims of his own fellow citizens. On the fifteenth November, 1782, he was chosen governor of his native state. The manner in which he performed the duties of this office was full of dignity and simplicity ; his attention was always strict and his judgment careful and correct. But he did not think it sufficient to confine himself, merely to those acts which a strict interpretation of official requisites might have demanded. He took especially under his care, the interests of literature and religion, which had of course suffered a rude shock, during the long war that had prevailed, and the overthrow or change of many existing institutions. He promoted, both by his public efforts and by his private donations, the establishment of a college, named after the "father of his country," at Chestertown, on the Eastern Shore of Maryland ; and at the first commencement for conferring degrees held within its walls, he had the gratification of receiving from the youthful graduates a grateful expression of their feelings, and an unexpected tribute to his worth. "To you," said the young gentleman turning to Mr. Paca, as he delivered the valedictory address, on behalf of his companions ; "to you in particular, most excellent sir, who (yourself a scholar and a patron of literature, and filling the seat of government in this state with dignity and virtue.)

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an addition to your other honours to the government of this institution, and to an applauding presence, we owe every mark of gratitude and respect."

paternal care which he thus displayed on the he extended to religion; not the religious, but that general inculcation and diffusion of principles of sacred truth, which as they form the basis of individuals, so they secure the welfare of the community. When the church was scarcely established, when in an assembly he thus revived a subject, which was inseparably connected with the interests of the nation, "is far from our intention" said he, "to embroil the nation with a variety of objects; but we cannot neglect matters of so high concernment as religion." The sufferings of the ministers of the gospel, during the war, have been very

He subsequently served in the state convention which ratified the federal constitution, and after the organization of the new form of government, he received on the twenty-second of December, 1789, an honourable testimony of the approbation of his fellow-citizens in being appointed judge of the district court of the United States for Maryland. The new government had just been organized, and the president displayed in his selection of persons to fill the offices, that prudence, patriotism, and sound sense which distinguished all the actions of his life. We have inserted in the life of Francis Hopkinson, an admirable letter, addressed to him on conferring judicial office, and that which he wrote to Mr. Paca, is equally worthy of preservation. They both indeed present one feature somewhat uncommon in these days, the solicitation, not to the government to grant, but the individual to accept office. General Washington's letter is dated the twenty-fourth of December, 1789, and is in the following terms :

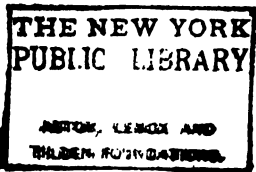
"Sir—The office of judge of the district court in and for the district of Maryland, having become vacant, I have appointed you to fill the same, and your commission therefore is enclosed.

"You will observe that the commission which is now transmitted to you, is limited to the end of the next session of the senate of the United States. This is rendered necessary by the constitution, which authorizes the president of the United States to fill up such vacancies as may happen during the recess of the senate ; and appointments so made shall expire at the end of the ensuing session, unless confirmed by the senate. However, there cannot be the smallest doubt, but the senate will readily ratify and confirm this appointment,

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mission in the usual form shall be forwarded. I am, Sir, it is unnecessary for me to advance to shew the high importance of the judicial national government, and of course, the necessity of respectable and influential characters placed at the offices of it. And as I have not a doubt but of doing every thing in your power to promote the business and welfare of our country, I flatter myself I shall accept this appointment. I am &c."

In 1790, he held the first circuit court, with judge of the supreme court, and continued in the regular and discharge of his judicial duties from that time until the year 1800, in the sixtieth year of his age, and with a vigorous mind, and a character untarnished, he fell a sacrifice, leaving to his family the inheritance of a name for the virtues of public and private life, and the example of a superior mind, devoted with





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persons returned to the ... their
 noble task had been performed, and were, in a measure, over-
 looked by their compeers, whose attention was engrossed
 by the events of an anxious period, involving their own
 safety as well as the freedom and honour of their country.

In such instances, however, the immediate friends of the
 retiring patriot have generally cherished the remembrance of
 such peculiarities as belonged to him ; and however undiversi-



THOMAS STONE.

THE patriots who conducted our revolution, were generally men of exceeding modesty. Notwithstanding the importance of their actions, many of them are now distinguished in recollection by little that is peculiar in character or conduct. The diversity of talent and disposition, was not always discernible among men drawn forth from the privacy of domestic life, by the same public emergency, and moving with such unanimity as prevented any one from standing out conspicuously before the rest.

Where all were ready to go forward, there could scarcely be any leaders; and in so harmonious an assembly as the first congress, the particular characteristics of each member were not easily to be inferred from his votes.

It has happened, therefore, that some of those excellent persons returned to the shades of private life when their noble task had been performed, and were, in a measure, overlooked by their compeers, whose attention was engrossed by the events of an anxious period, involving their own safety as well as the freedom and honour of their country.

In such instances, however, the immediate friends of the retiring patriot have generally cherished the remembrance of such peculiarities as belonged to him; and however undiversi-

bered with more unqualified respect by a
friends, whose exalted characters give an
to their approbation.

He was lineally descended from William
vernor of Maryland, during the protectorate
well, and was the son of David Stone,
Charles county, Maryland.

His mother was a sister of Daniel of St.
a gentleman of distinction under both the
state governments, being for many years
agent in the province, a member of the executive
one of the judges of the provincial court;
president of the state senate, delegate to the
ber of the convention which formed the first

He was born in the year 1743, and
early youth for the zealous pursuit of knowledge
industry, which continued to distinguish
whole of his life.

It is asserted, that in his boyhood, at
his anxiety to acquire a classical education
to induce him, contrary to the prejudices
set little value on an acquaintance with

with Latin and Greek, to rise at dawn, saddle his horse, and appear in school with the other pupils. An opportunity of acquiring this education, was the only inheritance which he ever received from his parents; although his father, was possessed of a large estate in land. According to the opinion then entertained of the rights of primogeniture, Pointon Manor became the property of Samuel, the elder son, of a former marriage; and Thomas, when removed from the school of Mr. Blaizedel, found himself under the necessity of borrowing money in order to prosecute the study of law. This he did in the city of Annapolis, under the auspices of Thomas Johnson, for whom he ever afterwards manifested a filial regard. He commenced the practice of the law in Frederick town, in Maryland, and after two years he removed to Charles, county in the same state. During these two years, he liquidated the debt contracted while acquiring his legal education; and in the year 1771, previous to his removal, he married Margaret Brown, the youngest daughter of Dr. Gustavus Brown, of that county. The only property which this lady possessed, was the sum of one thousand pounds sterling. He was married in his twenty-eighth year, and his practice at that time was neither extensive nor lucrative. Great expectations were, however, entertained of him at this time. His decorous deportment, his great industry and attention to business, his steady, and perfectly correct habits, his manly and independent conduct, and above all, the opinion that was generally possessed, of his inflexible and incorruptible integrity, inspired hopes, that were never disappointed, that he was destined to be an honour and ornament to his profession and his country. After his marriage, he purchased a farm, near the village of Port Tobacco. Upon this farm his family, with four of his infant brothers, resided

country.

The following letter, dated the twenty
1775, was written at Annapolis, while he
the Maryland assembly, and was addresse

“ We have this day received a confirmat
contest between the king’s troops, and th
England ; and I am afraid it is too true.
both England and America, to a state w
either, ever wished to see ; how it will te
knows. My heart is with you, and I w
power to see you, but many gentlemen in
stay to assist in deliberation on those im
wish to do my duty, and shall be obliged t
than I expected, but I hope to see you on f
new occurs.

“ We have accounts, that numbers of pe
both sides ; which I am apprehensive, will
of a reconciliation between this and the n
situation of affairs, which all thinking men

“ I wished to have heard from you, by
you thought I would be in Charles before t

“ People here seem to feel very anxious

We must do our best, and leave the event to Him, who rules the affairs of men. I am in haste, most affectionately yours, &c."

He had not at this date commenced his career as a member of congress.

The excitement produced by the stamp act had been shared by him in a great degree proportioned to the ardent temperament of youth, and though too young at that time to take any part in public affairs, his political principles were fixed by the discussions to which he was then a listener, and the strong feeling of indignation, against the British ministry which he then imbibed.

It was not, however, until after the Boston port bill, and the other aggressions of the year 1774, that Mr. Stone came prominently forward into public life.

He was not a member of the congress of that year, but was added, along with Robert Goldsborough, to the delegation of Maryland, by a vote of the provincial deputies on the eighth of December, 1774, and took his seat accordingly on the fifteenth of the following May.

The powers with which these delegates were invested seemed sufficiently ample, they being authorised to consent and agree to all measures which that congress might deem necessary and effectual, to obtain a redress of American grievances; and it was declared in the resolution appointing them, that the province bound itself to execute to the utmost of its power, all resolutions which the congress might adopt.

Mr. Stone attended punctually the meetings of the congress, and gave his time and attention faithfully to the du-

dence had not yet become at all palatable
the] provincial conference did not su
made this appointment, that their chose
suffer themselves to be carried away
deemed so extravagant an enthusiasm, a
measure.

Towards the close of the year 1775, ho
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probability, and it was discovered that t
gates were much disposed to encounter th
upon a contest so unequal and even des
considered by many of their constituents.
circumstance, the convention determined t
specific and strict instructions, and the f
cordingly prepared, and received the sanc
tion, whose sentiments they well represe

“The convention, taking into their mo
ration the present state of the unhappy
Great Britain and the united colonies, t
deliver you their sentiments, and to instr
points, relative to your conduct in congr

the present controversy were laid by the ministry and parliament of Great Britain, has most strongly endeared to us that form of government from whence these blessings have been derived, and makes us ardently wish for a reconciliation with the mother country, upon terms that may ensure to these colonies an equal and permanent freedom.

“To this constitution we are attached, not merely by habit, but by principle, being in our judgments persuaded, it is, of all known systems, best calculated to secure the liberty of the subject, to guard against despotism on the one hand, and licentiousness on the other.

“Impressed with these sentiments, we warmly recommend to you, to keep constantly in your view the avowed end and purpose for which these colonies originally associated, the redress of American grievances, and securing the rights of the colonists.

“As upon the attainment of these great objects, we shall think it our greatest happiness to be thus firmly united to Great Britain, we think proper to instruct you, that should any proposition be happily made by the crown or parliament, that may lead to, or lay a rational and probable ground for reconciliation, you use your utmost endeavours to cultivate and improve it into a happy settlement and lasting amity, taking care to secure the colonies against the exercise of the right assumed by parliament to tax them, and to alter and change their charters, constitutions, and internal polity, without their consent, powers incompatible with the essential securities of the lives, liberties, and properties of the colonists.

“We farther instruct you, that you do not without the previous knowledge and approbation of the convention of this province, assent to any proposition to declare these colonies

judgments of any four of you, or a major
you, if all shall be then attending in con
thought absolutely necessary for the preser
ties of the united colonies; and should
colonies in congress against such your ju
declare these colonies independent of th
Britain, or to make or enter into alliance
power, or into any union or confederation
which may necessarily lead to a separation
country, then we instruct you immediatel
vention of this province, and repair thereto
tion and resolve, and lay the same before th
for their consideration, and this convention
province bound by such majority in Congr
presentative body of the province in c
thereto.

“ Desirous as we are of peace with Gr
safe and honourable terms, we wish you
instruct you, to join with the other colonies
operations as may be judged proper and
common defence, until such a peace can be

“ At the same time that we assure you w

can conceive no case to exist in which it would be of more importance to exercise this right than the present, nor any in which we can suppose the representative would more willingly acquiesce in the exercise of it. We therefore instruct you, that you move for, and endeavour to obtain a resolve of congress, that the votes given by the colonies on every question agitated in congress, shall appear upon the journals thereof; and if such resolve be obtained, that you, at the expense of this province, procure copies of the said journals, except such parts thereof as relate to military operations, and measures taken to procure arms and ammunition, and from time to time lay the same before the conventions of this province, showing the part you, as representatives of this province, take in such questions.

“And we farther instruct you to move for, and endeavour to obtain a resolve of congress, that no person who holds any military command in the continental, or any provincial regular forces, or marine service, nor any person who holds or enjoys any office of profit under the continental congress, or under any government assumed since the present controversy with Great Britain began, or which shall hereafter be assumed, or who directly or indirectly receives the profits, or any part of the profits of such command or office, shall, during the time of his holding or receiving the same, be eligible to sit in congress.”

Between the date of these instructions and the middle of the ensuing May, great efforts were made to induce the convention to assent to the scheme of independence; but the professions of loyalty previously made in this colony, were perfectly sincere, and the attachment to the royal government was so strong, that the instructions, instead of being

resolved, "That as this convention is for
a reunion with Great Britain on conditions
which would most effectually secure the rights
increase the strength, and promote the welfare of the
whole empire, objects which this province
view, the said deputies are bound and
themselves by the instructions given to them
in its session of December last, in that
if the said instructions were particularly

At the moment when these cautious
adopted by the Maryland convention, the
proceedings were, in effect, proclaiming an indepen-
dence. The resolution of the fifteenth of
all authority of the crown had ceased, and
necessary for each colony to frame a constitution
for itself, could not be construed to signify
independence.

Mr. Stone concurred with his colleagues
in this bold and important step, and used
endeavours to procure the adoption, by the
land, of a form of civil government similar
agreed upon by some of the other colonies.

In the latter end of June, the example of Virginia on the one hand, and of Pennsylvania on the other, proved irresistible, and Maryland was obliged to recall her instructions, and agree to the assertion of a free and independent government. The convention accordingly—though with manifest reluctance—resolved, “That the instructions given to their deputies be recalled, and the restrictions therein contained, removed; and that the deputies of said colony, or any three or more of them, be authorized and empowered to concur with the other united colonies, or a majority of them, in declaring the united colonies free and independent states; in forming such further compact and confederation between them; in making foreign alliances, and in adopting such other measures as shall be adjudged necessary for securing the liberties of America; and that said colony will hold itself bound by the resolutions of the majority of the united colonies in the premises; provided the sole and exclusive right of regulating the internal government and police of that colony be reserved to the people thereof.”

The Maryland delegates, after this, being left free to vote according to their wishes, recorded their names in favour of independence, upon the imperishable document which in eloquent language sets forth the “reasons that impelled them to the separation.”

On the day which saw this proud manifesto issued, Mr. Stone and his colleagues were re-elected, and in the ardour of feeling at that moment prevalent, the convention forgot to limit their powers by any prudential restraints. Mr. Stone, though not a prominent man in congress, was appointed on several important committees, such as that to consider the propriety and expediency of augmenting the

culty, than the formation of the confederacy. Entire harmony, was, at all sacrifices, to be essential to the possibility of success in the face of a diversity of sentiments almost boundless. The representatives of different interests required of the intended compact.

The peculiar responsibility of Mr. Stone, Maryland delegate in the committee, when Maryland were particularly hostile to the plan, with conditions that it was found impossible to obtain from the other states, may easily be appreciated.

The anxiety and trouble occasioned to the committee which had the laborious task of negotiating the plan, are strongly portrayed in the letters addressed to the respective states, in order to obtain their assent to the plan, as they had, after infinite consideration, arranged the articles.

"This business," they observe, "equally important, has in its progress, been attended with many embarrassments and delay, which solicitude and persevering diligence could not have avoided. To form a permanent union, accommodated to

“Hardly is it to be expected that any plan, in the variety of provisions essential to our union, should exactly correspond with the maxims and political views of every particular state. Let it be remarked, that after the most careful inquiry and the fullest information, this is proposed as the best which could be adapted to the circumstances of all ; and as that alone which affords any tolerable prospect of general ratification.

“Permit us then earnestly to recommend these articles to the immediate and dispassionate attention of the legislatures of the respective states. Let them be candidly reviewed under a sense of the difficulty of combining, in one general system, the various sentiments and interests of a continent divided into so many sovereign and independent communities, under a conviction of the absolute necessity of uniting all our councils and all our strength to maintain and defend our common liberties : let them be examined with a liberality becoming brethren and fellow citizens surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in being forever bound and connected together by ties the most intimate and indissoluble ; and, finally, let them be adjusted with the temper and magnanimity of wise and patriotic legislators, who, while they are concerned for the prosperity of their own more immediate circle, are capable of rising superior to local attachments, when they may be incompatible with the safety, happiness, and glory of the general confederacy.

“We have reason to regret the time which has elapsed in preparing this plan for consideration : with additional solicitude we look forward to that which must be necessarily spent before it can be ratified. Every motive loudly calls upon us to hasten its conclusion.

STONE

an any other consideration, it will confound
ies, defeat the flagitious practices of the d
ngthen and confirm our friends, support our
store the value of our money, enable us to n
s and armies, and add weight and respect to
ome and to our treaties abroad.

this salutary measure can no longer be defe
ential to our very existence as a free people,
e may soon be constrained to bid adieu to i
liberty, and safety--blessings, which from
cause, and the favour of our Almighty Cre
ested in our protection, we have reason to
n humble dependence on his divine provide
sly exert the means which are placed in

anding the eloquence of this appeal, the sta
fused her assent until the year 1781.

had passed away, recurred to their former jealousy of their delegates in congress ; and although it was too late now to restrict them as to measures of hostility towards Great Britain, yet chose to limit their powers as the formation of a confederation, and also to hint to them the possibility of retracing their steps, and agreeing to an accommodation with the royal government.

The contest for freedom had now gone so far, that it was frequently called a "glorious war"—the Maryland convention still termed it an "unhappy difference," and were anxious to accommodate it on *any terms*, that a majority of congress might be brought to approve.

The resolution which indicated this state of feeling was in the following terms: "That the said delegates, [Mr. Stone and his six colleagues] or any *three* or more of them, be authorized and empowered to concur with the other United States, or a majority of them in forming a confederation, and in making foreign alliances ; provided that such confederation when formed be not binding upon this state without the assent of the general assembly ; and the said delegates or any three or more of them are also authorized and empowered to concur in any measures which may be resolved on by congress for carrying on the war with Great Britain, and securing the liberties of the United States, reserving always to this state the sole and exclusive right of regulating the internal police thereof. And the said delegates or any three or more of them are hereby authorized and empowered, notwithstanding any measure heretofore taken, to concur with the congress or a majority of them, in accommodating our unhappy difference with Great Britain, on such terms as the congress or a majority of them shall think proper."

STONE.

ed, however, that no accommodation of the
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ns of congress. The fears of the Maryland
e not realized, though it must be confessed
e newly established nation wore, for some
uraging aspect.

e was again re-elected in February, 1777
g this tour of duty, and seeing the confeder
ed upon in congress, he left this scene of ac
e-appointment, and became a member of the M
ure, where the plan of the confederation met
position, and required the aid of all its fr
es.

ces in the legislature were important, and i
his duties there, he was distinguished by the
nestness, and patriotic devotedness, which
ed in the course of his previous career.

argument. There was a severe trial of skill between the senate and the house of delegates, on the subject of confiscating British property. The senate for several sessions unanimously rejected bills passed by the house of delegates for that purpose; many, very long and tart, were the messages from one to the other body, on this subject; the whole of which, were on the part of the senate, the work of Mr. Stone, and his close friend and equal in all respects, the venerable Charles Carroll of Carrollton.

In 1783, he was again elected to a seat in congress, under the confederation, the adoption of which he had taken so much pains to obtain. He was present at the most interesting event of this period—the resignation of general Washington, at Annapolis; and in the session of 1784, was appointed on most of the important committees of the congress.

During the latter part of this year, he acted as president *pro tempore*, but declining a re-election to congress, he lost, by voluntary retirement, the honour of being chosen to preside over that dignified assembly, which would have followed of course, his temporary occupation of the chair.

From this time, during the short interval before his death, he was actively engaged in professional duties, and continued to serve in the senate of the state, but declined an appointment as a member of the federal convention, which met at Philadelphia in the year 1787, for the purpose of forming the present constitution of the United States.

After the conclusion of the war there was little occasion for the exercise of the talents and patriotism of the best men in Maryland, except in watching to prevent the introduction of injurious schemes and innovations.

In 1785, an attempt was made to establish a paper currency as a legal tender for the payment of debts. A bill for

senate a bill, drafted by himself, and with all his eloquence, abolishing the right as previously existing according to the system of law.

The bill was enacted by both branches and remains the law of Maryland ; but it is Mr. Stone made his own will in accordance with the principles of the law that he thus contributed to its abolition.

In the year 1784, after he had finally returned to congress and removed to Annapolis, his very lucrative and his professional reputation distinguished eminence. He was employed in important causes, and his friend, Mr. C. expressed the greatest satisfaction in having him as a colleague in cases of difficulty. As a speaker he lay in argument, rather than in manner. His voice was weak, and his delivery unimpassioned. When he became warmed with his subject, his manner became more animated, and his reasoning was clear and powerful.

He was a man of very strong feelings and a generous disposition - and the tenderness of his attachment to his country was evident in every

thought necessary to protect her from it by inoculation. She was accordingly inoculated, and the mercurial treatment, which was then deemed necessary, was pursued. From this time her health gradually declined. She was afflicted with rheumatism for eleven years, and her skin, which had before been marked with the glow of health, assumed a paleness which can scarcely be imagined by those who did not witness it. During the whole period of her ill health, her husband watched over her with untiring devotedness. But it was beyond the power of human aid to give vigour to her shattered constitution, and on the first of June, 1787, she died in Annapolis, in her thirty-fourth year. This was a death-blow to Mr. Stone. After this he declined all business, both public and private, except such as he deemed necessary to put his affairs in order. He was brought by his friends to his seat in Charles county, and there, during the summer after Mrs. Stone's decease, every effort was made to enable him to sustain the loss. But he sunk into a deep melancholy, and to the most soothing attentions of his friends he always answered, that he could not survive his wife. Dr. Brown, and Dr. Craick, who were his physicians, finding little amendment in his spirits, after the lapse of some months, advised him to make a sea-voyage. In obedience to their advice, he went to Alexandria to embark for England. While waiting at that place, for the vessel to sail, he expired suddenly, in his forty-fifth year, on the fifth of October, 1787.

A few days before his death, he wrote a letter of advice to his only son, then a boy, about twelve years old, which as the dying counsels of a virtuous parent, actually in the near prospect of death, will be read with interest, independent of the claims of the individual to our respect and public gratitude. It is this :

truth, always considering him as your
doing all things to please him ; nothing
be assured he is always present and know
and actions, and that you will prosper a
please him, and miserable and unhappy i
Say your prayers every day, and attend
church regularly and devoutly, with a pi
your duty and receiving instruction. T
soul's health and the next world than of
wrong on any account. Be honest, relig
kind, guarded in your conduct, and upr
tions.

“ Shun all giddy, loose and wicked c
corrupt and lead you into vice, and bring
the company of sober, virtuous and goo
always shew you examples of rectitud
propriety of behaviour—which will lea
ness.

“ Be always attentive to the advice o
Brown and Michael J. Stone, and do not
without consulting them. Be respectful t
all your friends and his

“Take care not to be seduced by the professions of any person to do what your heart tells you is wrong, for on self approbation all happiness depends.

“Attend to your education and learning, and never let your mind be idle, which is the root of all evil, but be constantly employed in virtuous pursuits or reflections.

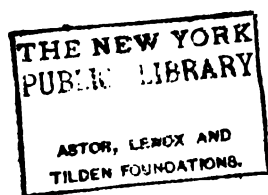
“Let your aim in life be to attain to goodness rather than greatness among men: the former is solid, the latter all vanity, and often leads to ruin in this and the next world. This I speak from experience.

“I commend you to heaven’s protection. May God of his infinite mercy protect you, and lead you to happiness in this world and the next, is the most fervent prayer of your loving father.”

Mr. Stone was a member of the protestant episcopal church, and a man of sincere and fervent piety, as the above letter bespeaks him. He was in figure tall, thin, and well proportioned. His complexion pale and sallow. His manners were those of a well bred man, not marked by ostentation or affected gracefulness, but rather reserved. His countenance, from the constant employment of his mind, wore the appearance of austerity, yet to his friends he was quite accessible. His conversation was generally familiar and instructive. Light and frivolous subjects rarely enjoyed his attention, yet he sometimes relapsed into gay and sportive humours. His disposition was mild, and his heart benevolent.

His appearance in early life had promised both health and strength, but his studious and sedentary habits, acquired in boyhood, and continued through life, had impaired a constitution originally vigorous. He was a taciturn man, of strong

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dist me virtues, which I
racter father.



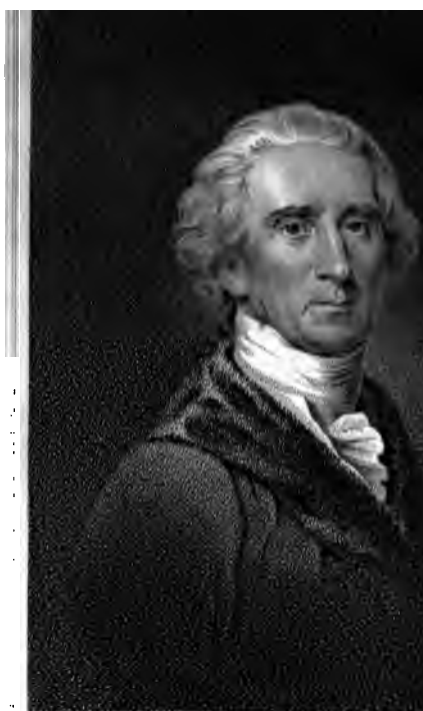


CHARLES CARROLL.

CHARLES CARROLL, surnamed of Carrollton, the subject of the present sketch, and the son of Charles Carroll and Elizabeth Brook, was born on the eighth of September, 1737, O. S. (twentieth September, N. S.) at Annapolis, in the state of Maryland.

Charles Carroll, the son of Daniel Carroll, of Littalouna, King's county, Ireland, and of the Inner Temple, the grandfather of Charles Carroll of Carrollton, was a clerk in the office of lord Powis, under the reign of James second, and left England a short time previous to the accession of King William, to further his fortunes in America. At the instance and through the influence of lord Powis, Mr. Carroll was appointed, in 1691, to succeed colonel Henry Darnell as judge and register of the land office, and agent and receiver of rents for lord Baltimore in the province of Maryland. He appears to have been a man of influence and importance in the administration of the provincial affairs, and in 1718, was one of those who were expressly exempted from any disqualification on account of religion.

Charles Carroll, born in 1702, the father of Charles Carroll of Carrollton, took an active part in the affairs of the provincial government, and in the religious disputes of the





ed from the administration of public granted orders to take children from the of Catholic parents : Catholic laymen ' right of suffrage ; and the lands of Ca ed double when the exigencies of the pr tional supplies. Besides the oppressi actments, personal animosity was carri that the Catholics were considered as b lowship ; not suffered to walk with the front of the Stadt House at Annapolis, i wear swords for their personal protect things a large portion of the Catholics mined to emigrate, and Charles Carro his son in France, applied to the French a grant of land on the Arkansa river, the French territory of Louisiana. Th demanded, startled the minister as Mr. on the map. He considered it too large ject ; difficulties were thrown in the way was obliged, at last, to return to Maryl accomplished his object. Soon after M the rigour of the laws against the Cathol

to be educated. Here he remained for six years, and left it to pursue his studies at a college of French Jesuits, at Rheims. After staying one year at Rheims, he was sent to the college of Louis le Grand, and during his stay at this place, his father visited France, as before mentioned. From Louis le Grand, Mr. Carroll went at the expiration of two years, to Bourges, the capital of the province of Berry, to study the civil law, and after remaining there for one year, returned to college at Paris, where he continued until 1757, in which year he visited London, and taking apartments in the Temple, commenced the study of the law. In 1764, he returned to his native place, during the first discussion of those principles, which being honestly proclaimed, and fearlessly supported, occasioned the war of the revolution.

The violence of religious disputes had by this time almost entirely subsided; and the irritation produced by the stamp act, in 1766, turned popular feeling into another and more interesting channel. From this period, political discussion became free and unreserved. Suspicion of the mother country induced investigation; investigation developed principles and discovered rights; and talent of a high character stepped forward to explain the one, and claim the other. Among those whose pens, at this time, were busily and successfully employed, were Chase, Stone, Paca, Dulany, and Carroll. If intemperate abuse at times mingled in the controversy, yet the general character of the arguments used was calm and dignified; the disputants professing the greatest respect for the mother country, and, to the last moment looking for, and willing to receive, redress from the principles of its constitution.

Upon the repeal of the stamp act, things settled, in Maryland, into that calm, which always follows violent excite-

CARROLL.

matters of local interest became the chief topics of
In these, the large landed property and extended
of Mr. Carroll gave him great weight; and we
stantly engaged in the discharge of the duties of
d able citizen. In June, 1768, he married Miss
ll, the daughter of Henry Darnell, jr., and des-
e chronicles of the day, as "an agreeable young
d with every accomplishment necessary to ren-
ubial state happy."

which followed the repeal of the stamp act,
undisturbed until 1771-2, when the attempt to
fees of the civil officers of the province by pro-
oused again the indignation of the people, and
all the talent and energy of the political writers.
ant part which Mr. Carroll took in this discus-
s some detail in the explanation of the cause of

issued his proclamation, dated November, twenty-sixth, 1770, a few days after the prorogation of the assembly, "commanding and enjoining all officers, &c., under pain of his displeasure, not to take any other or greater fees" than those therein mentioned; in other words, and in the language of the day, "settling the fees by proclamation."

The proclamation was strenuously supported by its friends, as a proper and justifiable exercise of prerogative. The preamble stated, that the objects was "to prevent any oppressions and extortions from being committed under colour of office, by any of the officers, &c. in exacting unreasonable and excessive fees;" and entrenching themselves behind this expression, the advocates of the measure contended, that so far from being a subject of complaint or dispute, the proclamation ought to be considered as a barrier between the people and the usurpations of office. On the other side it was urged, that the exaction of fees, was to all intents and purposes a tax; that the power to tax a free people belonged exclusively to its representatives; and, therefore, that the proclamation of governor Eden, settling the fees, was an arbitrary and unjustifiable exercise of power.

In support of the measure, there were many advocates; and, among the rest, one who, in the form of a dialogue between two citizens, justified the proclamation, and gave the victory to its defender, the second citizen. Mr. Carroll then assumed the signature, and used the argument of the First Citizen; the "Editor of the Dialogue," fell into the back ground; and Daniel Dulany, provincial secretary, under the signature of Antillon, appeared as Mr. Carroll's antagonist. Perhaps there never was a newspaper contest, which excited more interest throughout the state of Maryland, than this. The great question of the revolution,

CARROLL.

tax the people without the consent of its representatives proposed and argued by the first citizen, in manner, and with the most extended views.

done?" continues Mr. Carroll, speaking of a dissent between the two houses on the subject of the authority of the chief magistrate interposed, a decision of this important question from the hands of the legislature, to itself. In a land of such arbitrary exertion of prerogative will not be endured." This determined language startled the friends of the cause; and those who were in the

Carroll's authorship, looked with astonishment at the largest landholders in the country, avowing that which might be so injurious to him personally in his sentences. In the end, Mr. Carroll was victorious; he was silenced, and, on the fourteenth of May, he was taken by a numerous procession to the gal-

proclamation needed only to be thoroughly understood, to be generally detested ; and you have had the happiness to please, to instruct, to convince your countrymen. It is the public voice, sir, that the establishment of fees, by the sole authority of prerogative, is an act of usurpation, an act of tyranny, *which in a land of freedom, must not, cannot, be endured.*

“ The free and independent citizens of Annapolis, the metropolis of Maryland, who have lately honoured us with the public character of representatives, impressed with a just sense of the signal services which you have done your country, instructed us, on the day of our election, to return you their hearty thanks. Public gratitude, sir, for public services, is the patriot's due ; and we are proud to observe the generous feelings of our fellow citizens towards an advocate for liberty. With pleasure we comply with the instructions of our constituents, and in their names we thank you for the spirited exertion of your abilities. We are, sir, most respectfully, your very humble servants,

WILLIAM PACA,

MATTHIAS HAMMOND.”

When it became generally known that Mr. Carroll was the writer of the pieces signed “ First Citizen,” the people of Annapolis, not satisfied with the letter of their delegates, came in a body to thank him for his exertions in defence of their rights.

The talent and firmness evinced by Mr. Carroll in his contest with Dulany, raised him at once to a high station in the confidence of the people ; and we find him, during the years 1773-4-5, actively engaged in all the measures which were taken in opposition to the course of Great Britain's

...now, Mr. Carroll, w
opponents; we have completely writt
do you think," Mr. Carroll asked, "the
the question between us?" "To be
panion, " what else can we resort t
was the answer. " Our argument
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brother of admiral Graves, and then a
wrote to Mr. Carroll on the subject
America, laughing at the idea of res
the colonies, and declaring that six thou
would march from one end of the conti
they may," said Mr. Carroll in his an
be masters of the spot only on which
will find nought but enemies before and
are beaten on the plains, we will ret
and defy them. Our resources will in
culties. Necessity will force us to ex
combating, in vain, against a spirit
victory cannot subdue, your armies w
and we

Maryland, and considered as one of the popular leaders of the day.

The influence which his abilities had procured him, being used with propriety and firmness, was confirmed in Mr. Carroll's possession, and his advice was asked in all emergencies of the troubled times which immediately preceded the declaration of independence. When the brig *Peggy Stewart* imported into Annapolis a quantity of tea, (an article forbidden by the resolution of the delegates of Maryland, June twenty-second, 1774,) the irritated populace, then collected from the neighbouring counties at the provincial court, threatened personal violence to the master and consignees of the vessel, as well as destruction to the cargo. The committee of delegates immediately met, and appointed a sub-committee to superintend the unloading of the vessel, and to see that the prohibited article was not landed. Still the excitement of popular feeling continued unabated, and the friends of Mr. Anthony Stewart, the owner of the vessel, applied to Mr. Carroll, as one most able to protect him from violence. Mr. Carroll's advice was concise and determined. "It will not do, gentlemen, to export the tea to Europe or the West Indies. Its importation, contrary to the known regulations of the convention, is an offence for which the people will not be so easily satisfied; and whatever may be my personal esteem for Mr. Stewart, and my wish to prevent violence, it will not be in my power to protect him, unless he consents to pursue a more decisive course of conduct. My advice is, that he set fire to the vessel, and burn her, together with the tea that she contains, to the water's edge." The applicants paused for a moment; but they saw no alternative, and Stewart, appearing immediately before the committee, offered to do what Mr. Carroll had proposed. In a few hours afterwards, the

In January, 1775, Mr. Carroll was the first committee of observation to Annapolis, and in the same year he to represent Anne Arundel county in convention.

In the early part of the year 1776, the committee of the proceedings of the general assembly in the city of Philadelphia, made that great interest in the colonies, and the means enabled them to be present at the representatives. Among others, Mr. Carroll and distinguished spectator. The committee exerted in Maryland, in behalf of the general liberty, were well known and fully approved by congress, and in February, 1776, he was appointed, with Dr. Franklin and Samuel Johnson, to induce the inhabitants of the United Provinces in opposition to the powers with which the committee shows the importance of the appointment of Mr. Carroll, who was not in congress, a mark of distinction both honourable

directed use of their conjoined energies ; to guarantee such form of government as the Canadians might set up, together with the free and undisturbed exercise of religion ; to press the people to have a full representation in convention, to take into consideration the propositions of the United Provinces ; to establish a free press ; to settle all disputes between the Canadians and continental troops ; to sit and vote as members of councils of war for erecting or demolishing fortifications, and to draw on the president, for that purpose, for any sums of money, not exceeding one hundred thousand dollars in the whole ; to encourage the trade and commerce of the country ; to give credit and circulation to the continental money ; and to suspend any military officer, whose conduct, in the opinion of the commissioners, was improper or unjust.

In the resolution of congress, appointing the commissioners, Mr. Carroll is "requested to prevail on Mr. John Carroll to accompany the committee to Canada, to assist them in such matters as they shall think useful." The standing and influence of Mr. John Carroll, as a catholic clergyman of talents and activity, it was hoped would be of essential service in the accomplishment of the mission, by removing from the minds of a catholic population all suspicion of interference on religious subjects.

The committee found many difficulties to contend with on reaching Canada. The ardour which had prevailed among the Canadians in favour of the measure, when the American troops first entered the country, had been damped by the inefficiency of the force employed, and almost wholly destroyed by the defeat and death of Montgomery. The inhabitants became provoked, when the want of regular supplies compelled the continental troops to support them-

CARROLL.

rying contributions on those whom they
; and the priests, never, as a body, in fa
seized the moment of irritation to incense
against the United Colonies. Under these
stances, the commissioners did every t
their power. They issued proclamations;
vileges; and called upon the people to
temporary evils, which, remittances and r
om congress, would in a short time obv
these assurances produced some effect: bu
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ng and provisions; the disorder and sick
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he object for which they entered Canada, a
urmurs among the inhabitants, and finally a
fections from the United Colonies. Afte
anada as long as there was a prospect of t

of their impropriety in the present crisis, and hastened to Annapolis, to procure, if possible, their withdrawal.

On reaching Annapolis, Mr. Carroll resumed his seat in the convention, and advocated the withdrawal of the instructions of December, 1775, and the substitution of others in their stead, empowering the delegates in congress "to concur with the other united colonies, or a majority of them, in declaring the United Colonies free and independent states." His exertions in their behalf were indefatigable. No time was to be lost; the debates in congress were coming to a head; independence was already almost resolved upon, and the delay of a single hour might prevent Maryland from participating in its declaration. These, and other reasons, were urged by Mr. Carroll and his friends, to procure despatch in the deliberations of the convention, and on the twenty-eighth of June, the old instructions were withdrawn; new instructions were given, containing the powers proposed by Mr. Carroll; and, on the second of July, 1776, the delegates of Maryland found themselves authorized to vote for independence.

The zealous and active part taken by Mr. Carroll in procuring the instructions of June twenty-eighth, was the cause of his immediate appointment as a delegate from Maryland to the general congress; and on the fourth of July, 1776, when a new appointment of delegates was made by the convention, we find Mr. Carroll's name on the list, for the first time. The important business then before the convention, detained Mr. Carroll for some days in Annapolis, after his appointment; and on the sixth of July, he had the satisfaction of seeing the declaration of the convention of Maryland published to the world. This being, in part, the consequence of the new instructions, well deserves mention in

CARROLL.

Mr. Carroll's life, as a measure in the act of which he bore a distinguished part. The wrongs suffered from the king of Great Britain continues.

delegates of Maryland, in convention assembled, that the king of Great Britain has violated the rights of this people, and that they owe no allegiance to him; and they have therefore thought it just and necessary to send deputies in congress, to join with a majority of the states in declaring them free and independent, and in refusing such further confederation, in making such alliances, and in adopting such other measures as might be necessary for the preservation of their liberties. They have no ambitious views, no desire of independence, but they wish the people of Maryland to form an union with the other states. To procure an exemption from parliament, and to continue to the legislatures of

was received by that body, and Mr. Carroll, on the same day, took his seat as a member.

Although Mr. Carroll did not vote on the question of independence, yet he was among the earliest of those who affixed their signatures to its declaration. The printed journals of congress, indeed, make it appear, that the Declaration of Independence was adopted and signed on the fourth of July, by the gentlemen whose names are subscribed to it under the head of that date. But this impression, as has been explained in the life of Thomas M'Kean, is incorrect; because, in fact, not one signature was affixed to the declaration until the second of August. The idea of signing does not appear to have occurred immediately; for not until the nineteenth of July, as will appear by reference to the secret journals, did the resolution pass, directing the Declaration to be engrossed on parchment. This was accordingly done; and on the second of August following, when the engrossed copy was prepared, *and not before*, the Declaration was signed by the members, who on that day were present in congress. Among these was Mr. Carroll. Those members who were absent on the second of August, subscribed the Declaration as soon after as opportunity offered.

The above account is sustained, not only by the private and public journals of the congress of 1776, and by the facts previously referred to, but also from the following letter from Mr. Adams, while secretary of state, written to Mr. Carroll, on the twenty-fourth of June, 1824.

“Sir—In pursuance of a joint resolution of the two houses of congress, a copy of which is hereto annexed, and by direction of the president of the United States, I have the honour of transmitting to you two *fac simile* copies of the

CARROLL.

claration of Independence, engrossed on parchment in accordance with a secret resolution of congress of 1776, to be signed by every member of congress. It was actually signed on the second day of August, 1776. Of this document, unparalleled in the annals of the world, the original, deposited in this department, exists as one of the subscribers. The rolls here shown are copies as exact as the art of engraving permits, of the instrument itself, as well as of the signatures.

In performing the duty thus assigned me, permit me to express to you, and the country which is reaping the fruits of your labors, as well that your hand was affixed to this glorious instrument, as that, after the lapse of nearly half a century, you survive to receive this tribute of reverence from your children, the present fathers of the nation.

With every sentiment of veneration, I have the honor to be, Sir, your obedient servant.

Carroll was appointed, and continued actively engaged in its arduous duties while he remained in congress. During the investigation by the board, of the disputes arising out of the Canada expedition, and in the consideration of the movements of the army in the north, the local knowledge which Mr. Carroll had acquired in his late journey, together with his acute observations upon the state of the country, and the character and disposition of the people, were of important service.

All the time that Mr. Carroll could spare from his duties in congress, he gave to the convention of Maryland, in which he still retained his seat; and in the latter part of 1776, was one of the committee appointed to draught the constitution of that state. In December, 1776, he was chosen to the senate of Maryland, being the first senate under the new constitution; and in February, 1777, he was re-appointed a delegate to congress by the general assembly.

Mr. Carroll continued in congress until the year 1778, when the treaty with France, removing from his mind all doubt as to the ultimate success of the war of the revolution, and his duty as a senator of Maryland requiring his attendance in Annapolis, he resigned his seat, and for the future devoted himself to the local politics of his native state. In the year 1781, he was re-elected to the senate of Maryland, in which he had already served five years; and in December, 1788, was chosen representative of Maryland in the senate of the United States, immediately after the adoption of the federal constitution.

Congress then held its sessions in New York, whither Mr. Carroll repaired soon after his election, and took an active part in the business and discussions of the day,

terms of service, so that the regular would, while they produced a biennial session an entire change in any two years, one fourth of the senators would retire every year, one fourth would retire every second year, one fourth would retire every third year, and one fourth would retire every fourth year, so that there would always be four senators in each class, and who for six years were cast into the first class, whose term of service would expire at the end of the second annual session.

In 1791, Mr. Carroll vacated his seat in the United States, and in the same year he was elected to the senate of Maryland. In 1796, and in 1797, was one of the commissioners to settle the boundary line between Virginia and Maryland. Carroll continued an active member of the senate until 1804, when the delegates refused to carry their ticket, and he was left out. In 1805 he retired from public life, after having served on the first committees of observation, and on the second of Maryland, twice appointed delegate to the national convention, chosen representative to the senate of Maryland, and four times elected a senator of Maryland.

We have now reached the termination of Mr. Carroll's public life in his sixty-third year.

faculty, the recollection of past honours, the possession of a large fortune, the affection and attention of children and grandchildren, and the respect of his countrymen, could bestow ; and in his ninetieth year, Charles Carroll of Carrollton finds his activity undiminished, his faculties unimpaired, and his feelings and affections buoyant and warm.

In 1825, one of Mr. Carroll's grand-daughters was married to the marquis of Wellesley, then viceroy of Ireland ; and it is a singular circumstance, that one hundred and forty years after the first emigration of her ancestors to America, his lady should become vice-queen of the country from which they fled, at the summit of a system, which a more immediate ancestor had risked every thing to destroy ; or, in the energetic and poetical language of bishop England, "that in the land from which his father's father fled in fear, his laughter's daughter now reigns as queen."

"Like the books of the Sybil, the living signers of the Declaration of Independence increased in value as they diminished in number." On the third of July, 1826, three only remained—John Adams, Thomas Jefferson, and Charles Carroll of Carrollton. On the fourth of July, 1826, the fiftieth anniversary of the day on which they pledged their all to their country, when the ten millions who were indebted to them for liberty, were celebrating the year of jubilee ; when the names of the three signers were on every lip, John Adams and Thomas Jefferson died, leaving Charles Carroll of Carrollton the last link between the past and present generations.

During thirty years passed in public life, embracing the most eventful period of the history of the United States, Mr. Carroll, as a politician was quick to decide, and prompt to execute. His measures were open and energetic, and he

CARROLL.

inclined to exceed than to fall short of the proposed. As a speaker, he was concise and his advantages of travel and society, made him a man of habits of study, and acute observation made his writing and instructive. As a writer he was remarkable. His arrangement was regular; his style was not being diffuse, and, though highly argumentative, it was saved from being dull by the vein of polite learning visible throughout.

Mr. Carroll is slight, and rather below the middle size. His face is strongly marked; his eye is quick and his whole countenance expressive of energy and penetration. His manners are easy, affable and in all the elegancies and observances of the most polished men are his superiors.





GEORGE WYTHE.

THE representatives of Virginia, in the congress of 1776, have always held a very high rank among the members of that assembly, remarkable as it was for intelligence, patriotism, and prudence. They were seven in number : **GEORGE WYTHE, RICHARD HENRY LEE, THOMAS JEFFERSON, BENJAMIN HARRISON, THOMAS NELSON, JR., FRANCIS LIGHT-FOOT LEE, and CARTER BRAXTON.** 4

The following account of Mr. Wythe is much less circumstantial than is required by the dignity of the subject. The most important actions of his public life, are so blended with the general history of the country, and his name so conjoined with the other patriots of the revolution, as to admit very little distinct or particular detail. Of his private and domestic transactions, he has left himself no remembrance, and his friends, by whose aid we hoped to supply the deficiency, appear to have postponed this principal object, to indulge in expressions of affection for his memory, and have furnished us rather a panegyric, than a history of his life. We shall endeavour, however, from the few materials within our reach, to exhibit such a general view of his character as, we hope, will not be unacceptable to our readers.

WYTHE.

WYTHE was born in the year 1726, in the city, on the shores of the Chesapeake, in Virginia. He was descended from a respectable family, and inherited from his father, who was a farmer, a fortune amply sufficient for all the purposes of ease and comfort.

His mother was a woman of great strength of mind and singular learning; amongst other acquirements, she possessed an accurate knowledge of the Latin language. For his tuition, he received the rudiments of his

education which he received at school, by some neglect, were extremely limited; being confined to reading and writing the English language, and a superficial knowledge of arithmetic. But his powerful mind, exerting its own efforts, soon supplied his deficiencies; for, with the sole assistance afforded by his mother, he became one of the most accomplished

WYTHE.

the profession of the law under the direction of his father, an eminent practitioner; and at an early age called to the bar of the general court, then a place of great eminence and ability in their profession. At that time he continued their equal, but by reason of his learning, correctness of elocution, and his powerful argument, he quickly arrived at the head of

the profession. The character of Wythe bears the seal of his hands the dignity of the profession was degraded to the support of an unjust cause: it was impugned, that where doubts were entertained of his clients' statements, he even required them to swear an oath previous to his defence; and if deceived in the manner practised upon him, the fee was returned and abandoned. Such disinterestedness procured him the highest esteem; and as he was no less distinguish-

burgesses, he found himself called upon to act with such worthies as Robert C. Nicholas, Edmond Pendleton, Richard Bland, Peyton Randolph, Richard Henry Lee and Benjamin Harrison. And his holding a prominent station amongst these most celebrated names of our country, is no equivocal evidence of his abilities and merits.

On the 14th of November 1764, he was appointed a member of a committee of the house of burgesses, to prepare and report a petition to the king ; a memorial to the house of lords, and a remonstrance to the house of commons, on the subject of the proposed stamp act. The latter paper was drawn up by Wythe, and following his own principles, his language was that of boldness and truth ; going far beyond the timid hesitations of his colleagues, who viewed it as bordering on treason, consequently his draft was subjected to many material modifications. These documents were reported on the 18th of December, and after much warm debate and considerable amendments tending to soften the asperity of complaint, received the concurrence of council.

From the general tenor of these papers, it is obvious that revolutionary opposition to the regal government, was not then intended. For, although the rights of the colony, so far as they respected exemption from taxation, except by her own representatives, are firmly set forth and insisted on ; yet the language is supplicatory, and the miseries about to be inflicted on an impoverished community by the excessive weight of the projected law, are feelingly anticipated. Remonstrance alone was intended, and the colonies looked with anxiety to the parent country for favourable replies to most dutiful petitions ; but remonstrance was ineffectual, and in January 1765, the stamp act was passed, to have operation

WYTHE.

of November following. The promulgation diffused a spirit of discontent and opposition, and brought the abilities of her patriot more conspicuous notice.

The house of burgesses had received an acquisition in the person of one of its young members, Patrick Henry; who, from comparison, was ultimately thrice raised to the highest dignities of the Commonwealth, by the unanimous voice of his countrymen. He was one of the most fascinating orators of his age; his patriotism, like that of most of his contemporaries, was of the purest kind; and in consequence of his great exertions in the house of burgesses, and the intrepidity of his conduct; by the fire of his eloquence, the American revolution presented a new front, in the boldest opposition to the

“That the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, and the easiest mode of raising them, is the distinguishing characteristic of British freedom, and without which the ancient constitution cannot subsist.

“That his majesty’s liege people of this most ancient colony, have, uninterruptedly, enjoyed the right of being thus governed by their own assembly in the article of their taxes and internal police; and that the same hath never been forfeited, or any other way given up, but hath been constantly recognized by the king and people of Great Britain.

“Resolved therefore, that the general assembly of this colony, have the sole right and power to lay taxes and impositions upon the inhabitants of this colony: and that any attempt to vest such power in any person or persons whatsoever, other than the general assembly aforesaid, has a manifest tendency to destroy British, as well as American freedom.”

These resolutions created an extraordinary alarm in the house, and the most violent debates ensued. Not only were they opposed by the advocates of the measures of the royal government, and by the aristocracy of the state, but even some of the warmest friends of American independence, endeavoured to prevent their adoption. Among the latter we find, Nicholas, Pendleton, Randolph, Bland, and Wythe; who had long been the habitual leaders of the house. Their opposition was, however, not founded on any difference of principle, but because the petition, memorial and remonstrance of the preceding session, had already expressed the same sentiments, and made the same assertions of right; and answers to those documents were yet to be expected. Notwithstanding the daring language of the resolutions, the

rial alterations in each of them ; but it was passed by a majority of a single vote at the sitting of the following day, a majority of burgesses, caused the expunge the fifth resolution from the

The repeal of the stamp act in 1766 revived the affection of the colonists for Britain but the subsequent passage of the stamp, the glass, paper and tea act ; the extension of the powers of the New York legislature ; the erecting courts of vice admiralty on new men excited anew their apprehensions, and during the session of 1768, of the house of burgesses, in which hection, when the famous resolutions were Virginia asserted in determined language the right of taxation, in all cases whatsoever violation of the British constitution, by the British government ; and firmly remonstrated against holding trials in England, on persons, in the colonies.

These resolutions, breathing the full

ing; in vain endeavoured to procure a copy of them from the clerk, and on the next day dissolved the house of burgesses; but not until the records were entered on the journals: the members having very early in the morning convened for that purpose, in correct anticipation of their immediate dispersion.

The dissolution of the house, did not produce any effect favourable to the royal cause. The same members, without any exception were returned, and the spirit of resistance increased in strength. Wythe, as a member of the house, was bold and determined in the position he had taken. On the one hand, the liberties of his country were threatened; and on the other, his character, nay, his life itself was placed in danger. But no human consideration was equivalent to his love of liberty and fidelity to his country. He stood on the solid ground, that the only link of political union between the colonies and Great Britain, was the identity of the executive: that the parent country and its parliament, had no more authority over the colonies, than the colonies over them: and that the colonies were co-ordinate nations with Great Britain and Hanover.

Thomas Jefferson had been the pupil of Wythe, and under his auspices, was introduced to the bar. The sentiments of the friend and counsellor, which were instilled by instruction and example, were exhibited to the world in the "Summary View of the rights of British America:" and now in the same venerable public body, the preceptor and pupil stood forth, as vindicators of the rights and privileges of their injured countrymen, and as undeviating advocates of that system of government, which has since been so happily established.

From this time until 1775, Wythe continued his unabated

WYTHE.

favour of independence. On the first rising of he joined a corps of volunteers, and evinced his o support the cause which he had advocated in y a resort to arms in the field. But his country, rtant period, required the united talents of her men ; and in August, 1775, he was appointed legates from his native state, to that congress, : succeeding year, declared the independence of

ience of this great change in the form of govern- order to strengthen and confirm the principles ution, the house of assembly of Virginia, by a the fifth of November, 1776, appointed Thomas dmond Pendleton, George Wythe, George Ma- omas Ludwell Lee, a committee to revise the tate, as well of British as of colonial enactment, re bills for re-enacting them. with such altera-

“To make slaves distributable among the next of-kin, as other moveables.

“To have all public expenses, whether of the general treasury, or of a parish or county, (as for the maintenance of the poor, building bridges, court houses, &c.) supplied by assessments on the citizens in proportion to their property.

“To hire undertakers, for keeping the public roads in repair, and indemnify individuals through whose lands new roads shall be opened.

“To define with precision, the rules whereby aliens should become citizens, and citizens make themselves aliens.

“To establish religious freedom on the broadest bottom.

“To emancipate all slaves born after passing the act.

“To proportion crimes and punishments according to a scale submitted.

“To abolish pardon and privilege of clergy, but if the verdict be against the defendant, the court in their discretion may allow a new trial.

“No attainder to cause a corruption of blood or forfeiture of dower.

“Slaves guilty of offences punishable in others by labour, to be transported to Africa, or elsewhere, as the circumstances of the time admit, there to be continued in slavery.

“A rigorous regimen proposed for those condemned to labour.

“To diffuse knowledge more generally through the mass of the people by means of public schools.

“To establish a public library and gallery, by laying out a certain sum annually in books, paintings and statues.”

Of this extensive work of legislation, Wythe executed the revision of those laws which had been enacted during the pe-

In 1777, the distinguished learning
mentary law and proceedings, cause
speaker of the house of delegates ; tow
same year, he was appointed one of th
high court of chancery of Virginia : a
change in the organization of the cour
stituted sole chancellor ; which high
the strictest integrity for more than tw
in this office he published a collecti
ports, which, by legal characters, are l
tion.

Previous to, and during the revolution
tracted between British and American
individuals. The recovery of those del
ject of the sixth article of Jay's treaty
but popular feeling was strong against
your of British claimants. Chancellor
judge who decided that the claims w
such decision was given in cases where
was a party. The firmness of the jud
torrent of popular prejudice, is not the l
because there duty was performed : a

On reviewing the judicial character of Wythe, we find it deeply impressed with the most scrupulous impartiality—rigid justice; unremitting assiduity; and the most pure disinterestedness. It may appear a strange encomium to bestow upon a judge, that his interest did not in the least degree lead him to swerve from his duty: yet when such men have lived as Verulam,

“The greatest, wisest, meanest of mankind,”

and Macclesfield, whose corruption was systematically exercised; since a chief justice Thorpe could traffic with a suitor's rights; since an Earl of Middlesex could delay justice, in a matter referred to his decision by his king; it is not incorrect to place chancellor Wythe in dignified opposition: not to praise indeed that conduct which resulted from adherence to duty, but to hold him up to the world as an example of republican integrity. Bacon died despised and unpitied; Parker lost his estate, and languished in imprisonment; Thorpe was sentenced to death; and the most exemplary punishment was inflicted by James I. on the commissioner who was tardy in executing his trust. George Wythe, living, was the fountain of justice—dead, his spotless integrity has erected him a durable monument in the memory of his countrymen.

Wythe had suffered much during the revolution in his pecuniary circumstances. Not only did he devote his time and property to the public service, but the greater part of his slaves which he inherited from his father, was carried over to the enemy by the dishonest manager of his Hampton estate. His immediate relatives, however, benefitted during his life by his generosity. One half of his estate in Eliza-

WYTHE.

settled on his nephew, and of the remaining the payment of the purchase money was protracted many years. Thus his resources were limited. His salary as chancellor did not exceed three hundred dollars per annum, by economy and judicious management he discharged his debts, preserved his independence, besides, to perform many conspicuous acts of private charity. The professors of the college of William and Mary, for some time enjoyed a liberal income; but the arduous duties of chancellorship, on his removal to the city of Richmond, diminished his salary.

In September, 1786, he was selected by the legislature of Virginia, with Washington, Henry, Randolph, Blair, Mason, and others, as delegates to meet the proposed convention for the formation of a federal constitution. His country never had

a chief justice, and others, who by their abilities and virtues are entitled to the most distinguished honours of their country. Not confining his efforts to those situations in which duty impelled him to exercise the great faculties of his mind for the public advantage, his active philanthropy induced him to institute a private school, in which his great pleasure was to impart instruction to such young persons as wished for improvement: demanding no compensation, his reward was found in virtuously educating republican citizens, who would transmit to posterity the pure principles of the venerable sage and statesman.

In emancipating his slaves, Wythe did not cast them on the world friendless and needy; he gave them sufficient to free them from want, and his own example had taught them industrious habits. He had also carried his benevolent disposition to the extent of imparting instruction to a negro boy, whom he had taught the Latin and Greek languages, and who was considerably advanced in science, but unfortunately died a few days before his benefactor.

An unassuming modesty, a simplicity of manners, and a general equanimity of temper, were his distinguishing personal characteristics throughout life. To the possession of these qualities, may be referred the cause of his religious opinions being unknown. Immersed in public business, his time devoted to his country, and the energies of his mind directed to her best interests, Wythe sought not in private conversation to disclose his own belief, or to elicit that of others. It was his daily endeavour to live a christian, and he effectually succeeded. William Mumford, one of his most intimate friends, who pronounced his funeral eulogium, and who feelingly describes himself as an "unfortunate orphan," who found in Wythe "a second father, instructor

relief."

His long illness was an additional proof of fervent devotion to community. Tortured on the bed of disease produced by poison taken in some portion of his food, he was immersed in the study of cases, yet never regretting as long as his senses continued, the consequent expense which would be incurred should his illness prove fatal. He died in benevolent anxiety, on the 8th of June, 1841, in the first year of his age.

In his death, Virginia mourned one of her sons: but the cause of his sudden loss spelt gloom over the darkness of her grief. The cause of his death being produced by violence, upon one, who if guilty, would have added to the most detestable of crimes.

By his last will he bequeaths a great property in trust, to support his three freed negroes and a boy, during their lives; after severally one, "of his books and philosophical

bequest to him should enure to the benefit of Sweney, the residuary legatee.

A few days before the death of Wythe, a second codicil is dated; in this instrument the freedboy is mentioned as having "died this morning:"—all the devises to George Wythe Sweney are revoked, and the whole of the chancellor's estate is left to the other grandchildren of his sister, the brothers and sisters of Sweney, to be equally divided between them.

The sudden death of the negro boy; the revocation of the former devises; the suspicions of the community, fatally confirmed by the death of Wythe himself, all tend to the conclusion that poison was introduced amongst the provisions of the household. The residuary legatee of the first will, submitted to a public trial, on the charge of poisoning his uncle and freedboy: an acquittal by a jury has caused a veil to be dropped over the transaction revolting to humanity; and the solemn decision of a criminal court, has shown to the world, that although the lamented Wythe died by poison, yet legal certainty cannot be attached to his murderer.

He had been twice married; his first wife was the daughter of Mr. Lewis, with whom he had studied law; and his second was a lady of the wealthy and respectable family of Taliaferro, residing near Williamsburg. He had one child, which died in infancy, and no issue survived him.

Mr. Jefferson, to whom we are indebted for some of the facts of the preceding narrative, has thus drawn the portrait of the instructor of his youth, the friend of his age, and his compatriot through life.

"No man ever left behind him a character more venerated than George Wythe. His virtue was of the purest kind; his integrity inflexible, and his justice exact; of warm patriotism,

WYTHE.

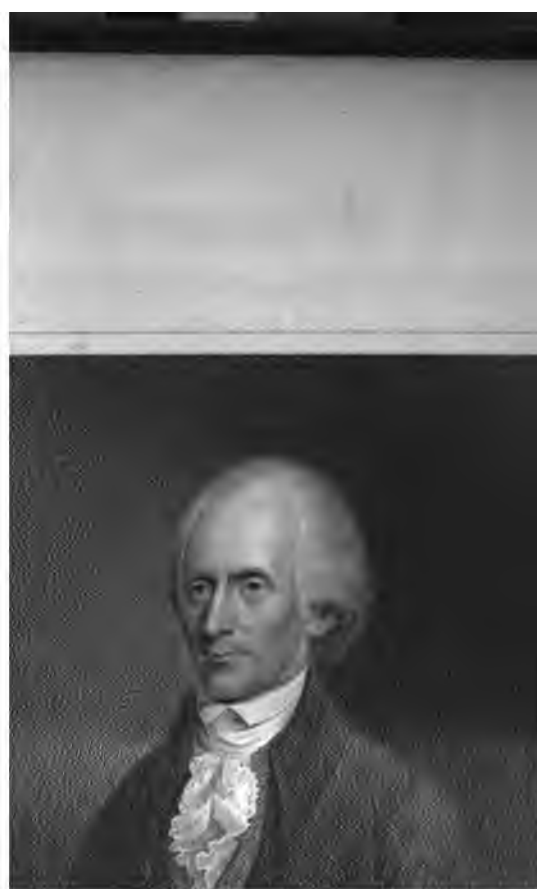
As he was to liberty, and the natural and easy, he might truly be called the Cato of his country, the avarice of the Roman; for a more disinterested man never lived. Temperance and regularity gave him general good health, and his easy and suavity of manners endeared him to every one. His style of easy elocution, his language chaste, the arrangement of his matter, learned and judicious use of it, and of great urbanity in debate. His reasoning was profound, but with a little time, profound and sound in conclusion. In his philosophy he was neither troubling, nor perhaps trusting in any religious creed, he left to the world the conclusion that religion must be good which could produce exemplary virtue.

He was of the middle size, well formed and handsome, and the features of his face manly, comely,



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RICHARD HENRY LEE.

To censure a just pride of ancestry would be to lessen the incentives of virtue ; and since he who was the idol of a people's worship has declared, even when holding up to scorn the folly of aristocracy, "that the glory of our forefathers is a light to their posterity," it may be permitted to observe, that Richard Henry Lee traces his descent from one of the most ancient and distinguished families in Virginia.

The firmness and policy of his great grandfather, obtained nominally for Virginia, what his own energetic eloquence and active patriotism afterwards contributed effectually to secure to her, the title of an independent dominion. When the arbitrary taxation of the first king Charles of England had lost to him his kingdom and his life, as Virginia had not suffered with the parent state, so she shared not in its joy on this event, and only by treaty as an independent dominion, would she consent to avail herself of the protectorship of Cromwell. Mr. Lee and Sir William Berkley conducted, on the part of the colony, the negotiation which followed her resistance to the armed forces of the republic of England. Before the voice of the people or the strength of a faction had collected the scattered fragments of the throne, the colony, moved by Lee and Berkley, proclaimed the second

of his service
Richard, an
an honourable and important situation
council in the colony, which he was
son Thomas, the father of him whose
sketch.

Historians record a few intimations
dent to their existence, which philosophers
to explain; some refer them to strange
some to remarkable foresight, while
call them prophecies. To these may be
of peculiar sagacity or prophetic antic
in the mind of Mr. Thomas Lee, then
council, that America would yet take
nations of the earth, and that the capital
sovereignities would be established near
Potomac. That this was not a conj
mere transient impression, may be in
that he took up and settled large tracts
barhood, at the distance of only three
actually chosen, half a century after
the general government. It was far

TO RICHARD HENRY LEE, who was born on the twentieth of January, 1732, in Westmoreland county, Virginia, seems to have descended an hereditary care of his native state, for his maternal grandfather and uncle, held with credit to themselves and advantage to their country, seats in the king's council, of which his father was president, and his great grandfather in that line, was governor Ludwell, of North Carolina.

Fashion prompted, or necessity urged, in the infancy of the colony, such as could afford the expense, to send their children to England to be educated. Wakefield, in Yorkshire, then a flourishing school, was selected for Mr. Lee; where the refinements of the town were mingled with the economical habits of the country. The classic pursuits and chaste style of Mr. Lee in after life, may give a favourable opinion of his docility and talent, while they contribute to support the well earned fame of his tutor, as a scholar and a teacher. The histories of the ancient republics inspired him with a love of liberty, taught him the fate of tyrants and elated him with hope, not, however, unmingled with apprehension, for he saw them at times tossed by the storms of faction and again awed to the stillness of despotism. The love of rational liberty, thus excited, was strengthened by the beautiful portraits of her in the ancient authors, while defects in their systems were discovered by the strength of his own reflections, aided by the liberal views of the philosophic Locke. To studies calculated to form the character of a firm patriot, an enlightened statesman and an elegant scholar was his attention devoted, free from the restrictions which professional duties impose.

Ethics, in its most extensive meaning, and the philosophy of history were his favourite pursuits; the manuscript sys-

ment of his brother's family, where
though library, these were composed of
try, between the time of his return from
teenth year, and that period when the
settlers, under the tomahawk and ac-
dians, pierced the hearts of the Virgin-
tries, and the volunteers of Westmo-
lead them to protect the living and
was in his twenty-third year.

Henceforth the sketch of Mr. Lee's
annals of his country; his actions ar-
chives of the nation; yet allusion mu-
ply, the full detail which the nature of
and the development of causes be so
more diffuse.

France, in the war which preceded
teaching the dire lesson, which English
Independence, with rancorous aptitude
the savage Indian against the frontier
minating warfare was carried on, long
of peace by the courts of Versailles and
terms of this peace were to return to the

and extension of territory. The French, desirous of connecting their northern and southern colonies, claimed and seized territory which they considered the property of this company. Already had Virginia attempted to expel from her boundaries the invading foe, and to protect her sons from savage warfare, under the command of the father of his country, then a major in her service ; but routed at the Little Meadows, the retreating army was followed by the wives and orphans of the white settlers, and Virginia was trembling to her centre, when general Braddock, with reinforcements from England arrived, and summoned the governors of the colonies to meet him at Alexandria, in Virginia, to devise means for the public safety.

Thither Mr. Lee led the troops of his native county, and tendered his own services with those of the gallant band who had volunteered in the cause of their country, but the blind courage of Braddock could not see that their assistance was necessary, or his insolent contempt of *provincials*, induced the belief that it would be useless ; his death in the first battle was the forfeit of his presumption or his ignorance, while Mr. Lee returned to his home, and to those civil duties which have given him a place in history, and his name to the remotest posterity.

As death approaches, the solicitude of a parent for his children's welfare frequently absorbs that which a rational creature might be supposed to feel for himself, when touching the confines of a new and untried existence ; it is often so intense, that the excitement which it gives to the powers of the intellect has been thought the result of an approximation to the omniscient mind, in more intimate communion. To many in such moments, the integrity, the knowledge and the influence of Mr. Lee, so strongly recommended him, that even

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age, he was selected by them for the guardian of
and protector of the helpless. For such em-
and for the cultivation of his mind, his indepen-
afforded him sufficient leisure, till in 1757, the
people attracted the attention of the government,
appointed justice of the peace for the county;
on to the house of burgesses, which happened in
er, was derived from a more legitimate source of
petition of the other magistrates to the governor,
t the commission of Richard Henry Lee might be
to permit his election to the office of president of
fore the time which his appointment legally al-
s, if not his fitness for office, their conviction
discharged his duty in an efficient and satisfac-
. Not to mention, that the county courts of
re then without limit to their jurisdiction, both
equity, might induce some to undervalue this

time patrons bestowed it, and it was requisite even for Richard Henry Lee to engage the interest of his friends in London in his behalf; but the only motive which he urges for this purpose is, "his laudable ambition to do his country service." The motive was weak, or the influence of his friends ineffectual, and he was left in the house of burgesses till conflict with his colleagues removed his natural diffidence, till the strength of his mind was excited by the important duties of his station, and he acquired for himself the well merited title of the Cicero of America.

The first debate in which he took an active part, was on the limitation of slavery; a subject which has since threatened to shake the union to its centre. The evil of slavery was entailed on us by our forefathers; it is the only stream of bitterness, from the fountain of kingly power, which has not been made sweet, by throwing into it the tree which the Lord God has shown to us, the tree of liberty. The classic purity, conciseness and strength of argument which this speech exhibits, may justify, perhaps, its introduction here, as the first, and one of the few, which survive him who is said to have spoken a nation into existence.

The question before the house was, "to lay so heavy a duty on the importation of slaves as effectually to stop that disgraceful traffic;" and Mr. Lee thus addressed the speaker in favour of the imposition.

"As the consequences, sir, of the determination which we must make in the subject of this day's debate, will greatly affect posterity as well as ourselves, it surely merits our most serious attention. If this be bestowed, it will appear both from reason and experience, that the importation of slaves into this colony, has been, and will be attended with effects dangerous to our political and moral interest. When it is

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at some of our neighbouring colonies, than ourselves in point of settlement, are no improvement, to what sir, can we attribute unhappy truth? The reason seems to be, their whites, they import arts and agriculture, with our blacks, exclude both. Nature has favoured them with superior fertility of soil, they enjoy more of the sun's cheering influence, and they outstrip us.

Not this sufficient, sir, let us reflect on our dependence on a powerful neighbour; and that slaves of their situation, can never feel an interest, because they see us enjoying every privilege, and find security established, not for them, but because they observe their masters in possession of what is denied to them, they and their posterity for ever to the most abject and mortifying

in the conquest of Spanish America, not the savage barbarities of a Saracen, can be more big with atrocity than our cruel trade to Africa. There we encourage those poor ignorant people to wage eternal war against each other ; not nation against nation, but father against son, children against parents, and brothers against brothers ; whereby parental and filial affection is terribly violated ; that by war, stealth or surprize, we christians may be furnished with our fellow creatures, who are no longer to be considered as created in the image of God, as well as ourselves, and equally entitled to liberty and freedom, by the great law of nature, but they are to be deprived, for ever deprived, of all the comforts of life, and to be made the most miserable of all the human race. I have seen it observed by a great writer, that christianity, by introducing into Europe the truest principles of humanity, universal benevolence, and brotherly love, had happily abolished civil slavery. Let us, who profess the same religion, practise its precepts, and by agreeing to this duty, convince the world that we know and practise our true interests, and that we

What effect this measure might have had on the prosperity of Virginia, it is impossible to conjecture ; it is probable, however, that the pleasure of having done his duty, was the only result of the speech to the orator who delivered it.

The love of power is so exclusive in its nature, that it perverts the judgment, and would limit the competency to share in government to those with whom timidity makes it participate. Presenting in a mass the evils which reason has traced or declamation imputed to republican principles, it brands as visionary, or condemns as false, the maxim "that the people are the legitimate source of power." In the house of burgesses of Virginia, there was a party which seemed to

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by this exclusive principle, and willing to be
city of a people to manage their own con
cted by history. These were they, who c
iorance with the veil of pride, and their
ppings of wealth, affected to look down
on, what they were pleased to call, the
community. They voted with the admini
y subject, and imitated in all that was w
ary nobility. Lavish, dissolute, and hau
did not always meet their expenses, and
t so unbending, as to resist the pressure of
hence they came under pecuniary oblig
inson, the then treasurer of the colony
aristocratic party in the house of burgesse
private funds failed, facility of temper, wea
or depravity of intention, prompted him to
the redeemed treasury bills, which hone

considerations, fearlessly undertook the task, nor desisted, till he had finished the work which imperious public duty required at his hands. With candour in his countenance, and persuasion on his tongue; his eloquence brought conviction to all, even to those whose sophistry attempted to obscure the truth, while, by threatening looks, they impotently endeavoured to check its development. To the colony, the result of the inquiry was security from heavy losses and pecuniary embarrassment, while Mr. Lee gained for himself the gratitude of a people, a high place amid the republican party, and the approbation of his own conscience.

To mark the course of events, which rendered it necessary to sever the bonds that had connected us with England, would be to presume ignorance in the reader of what has been told in other parts of this work. A far more grateful task is ours—to show the successful opposition of Mr. Lee to the arbitrary measures of the British ministry, and his able support of all that was, by the laws of nature and of nature's God, the right of an American.

The termination of the war with France was glorious to the arms of England, but her treasury was exhausted, her resources anticipated, and her people restless under their burdens. To remedy these evils, and at the same time maintain a large standing army, the mind of Charles Townshend conceived the design of taxing the colonies; and in a brilliant speech on the subject, he dazzled the eyes of the British parliament, by playing before them the image of a revenue to be raised in this country. Then was the theory laid down in Mr. Grenville's act, that it was just and necessary to raise a revenue in America, and the attempt to carry this system into practice by the stamp duty bill, sounded an alarm that awoke all the colonies. But to Mr. Lee the con-

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were evident, from the first glimmering of that system of taxation, which was to be independent of those from whom the taxes were to be levied. Every feeling of his mind merged in the love of his country, and this he exhibited in his domestic arrangements, in his private conversation, in his familiar correspondence, in his public conduct. Arguments from reason, the spirit of the British constitution, were sufficient to overturn the assumption in the declaratory act, and were furnished to his friends in London and in the month after the passage of that odious mea-

sure. A rational being risk his life, and renounce his property to obtain the unenviable state of an oppressed slave? Could he be the purchase and such the price paid by the slaveholders in America, if the principle of Mr. Grenville was a foundation in reason. Was it just to repay

tory act) though intended to oppress and keep us low, in order to secure our dependence, may be subversive of this end. Poverty and oppression, among those whose minds are filled with ideas of British liberty, may introduce a virtuous industry, with a train of generous and manly sentiments, which, when in future they become supported by numbers, may produce a fatal resentment of parental care, converted into tyrannical usurpation. I hope you will pardon so much on this subject; my mind has been warmed and I hardly know when to stop."

Even absolute princes seldom hazard the assertion of a bare abstract principle, offensive to their slaves; hence it would have been blindness not to perceive, that the declaratory act of the British parliament would only present an alternative of evils, humiliation or resistance. But the address to the king, the memorial, and the remonstrance to both houses of parliament, proclaimed to the British ministry the feelings of the colony of Virginia. The whole subject was brought before the house of burgesses by Richard Henry Lee, and he was on the committee to prepare these documents; for the two first, his country is indebted to his pen, as the manuscripts in possession of his family prove.

Early in the session of 1765, the celebrated Patrick Henry, whom we have noticed more fully in a preceding biography, proposed the celebrated resolutions against the stamp act, which are there inserted. At the time, Mr. Lee had not reached the seat of government; he came, however, soon enough to support them in the discussion; and it was by their united exertions that these resolutions were carried, in opposition to the timidity of some, and the resistance of others, whom corruption or perverted judgment blinded to their country's welfare.

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ness and enterprising spirit of these great
their application to business and indefatig
re not, as they too often are, the handmai
the result of their lust of power : with e
twin brothers of liberty shone amid the d
er, and the horrors of war, cheering and gui
y through seas of difficulty and peril, to free
. Men knew not which most to admire in
overwhelming might of the one, or the resis
of the other ; nor would it be possible now t
on the amount of the debt of gratitude, whi
not only from their native state, but from

uous task which Mr. Lee proposed to himse
wn that wall of proud and perfect separa
irginia had hitherto divided the patricians
and which seemed as lofty and as strong as

perty of the people to be taken from them, without their consent expressed by their representatives, and as in many cases it deprives the British American subject of his right to be tried by jury, we do determine, at every hazard, and paying no regard to death, to exert every faculty to prevent the execution of the stamp act, in every instance, within the colony."

But their opposition was not confined to words, for, soon after the formation of this society, Mr. Lee, having heard that one of his fellow citizens was sufficiently abandoned in principle to accept an office under such an act, so offensive to the people, so destructive of their rights, summoned the association, and leading them to the residence of the collector, compelled him to give up the stamped paper in his possession, to destroy his commission, and to swear that thenceforth he would not be instrumental in the distribution of stamps.

Such active and persevering resistance was thus excited against the arbitrary measure, that it was believed there was then but one person who would dare to show his attachment to the British government by the use of stamped paper. He was a man of wealth and influence. The temptation to violate the rules of the association of resistance was strong, as the power was ready to support and reward those who would dare to transgress, and one instance of unpunished violation would be of dangerous tendency. To prevent that, which if done, could not have been remedied, Mr. Lee (under the signature of a Virginia planter) addressed the good people of the colony, holding up to the guilty the terrors of a people's vengeance, and pointing out to the citizens in language, clear and simple as truth, the danger of permitting such an example. This address shows the great power which the orator possessed of diversifying his style, and of adapting it to the subject and the occasion.

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ence, (although some may think it both indig-
erate,) used to the opposers of the people's
ed by the maxim of policy, but was not the
e motive, or power the reward sought by
who were in those days first in the pa
hile we approve the measures of Mr. Lee
e that he had a mind to conceive and patien
most arduous designs, may it not be th
eness of blasted ambition, mingling with
purer motives, since it is known, that he v
candidate for the situation of collector of
h a charge was brought by those, who sou
efficacy by impugning the motives of his o
nny, and he found it necessary to state i
azette, that an offer had been made to him
h he promised to accept, but a few days
nced him of the consequences of the meas

personal feelings of the king removed its supporters from his councils, the new administration lessened the difficulties of their station, without impairing their popularity by a repeal of the odious measure. Mr. Lee joined in the general joy of his countrymen, but was not satisfied, for the repeal was accompanied with a clause, declaring the power of parliament to bind the colonies.

The domestic politics of Virginia, at this season, were not without difficulty. The dangerous influence of the treasurer in the house of burgesses, did not rise altogether from the causes before stated, his situation of speaker contributed to them; the consequences of the union of these two offices in the same person were apparent to all, but to effect their separation, the combined energies of the patriotic party were necessary; directed by Mr. Lee, and supported by Mr. Henry. The motion of Mr. Lee "that they be now separated and filled by different persons," was advocated by Patrick Henry, and vigorously opposed by the royal party, but it finally brought power to the patriots and security to the colony.

The shock in the political horizon, raised by the assertion that the parliament was omnipotent to bind, although lost to the many, in the brightness of the prospect which the repeal illumined, escaped not the watchful eye of Mr. Lee; to him it foreboded to his country a coming storm.

The estimation of lords Chatham and Camden, among the English nation, had aided the colonies in their late opposition, for they were friends to American liberty or opposers of the power of the ministry, and gratitude prompted or policy made it necessary to secure, for future emergencies, the support of advocates so powerful. Hence the proposal of Mr. Lee to request the latter to permit his portrait to be taken, "that it might remain to posterity a memorial of their veneration,"

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y accepted by the inhabitants of Westmoreland was made to defray the expense, and Mr. Lee to procure it for them. But the gentlemen and were constrained to submit to the humiliating mark of their respect, spurned as vile, or neglected. At first lord Camden promised, and in appointments with Mr. West, to sit for his portrait, but he seemed to forget his promise and not to do so, which fair fame and honest independence venged on him.

Lee was early and correctly informed of the proceedings of the British parliament, and promptly acted in consequence. The disobedience of New York to the requisition of the military," and the consequent dissolution of its legislative assembly, hastened the crisis. All men of intelligence, that the union of the colonies was the only chance of safety. To this outrage

impartial men seem to agree, that the measure had deeply occupied the thoughts of both these distinguished politicians, and that each introduced it to the legislature of his own province, without concert, about the same period. There can be no doubt that several years before this circumstance, the plan had been formed and matured by Mr. Lee; this is evident from a letter of his to John Dickenson of Pennsylvania, and from the verbal testimony of colonel Gadsden of South Carolina, who stated that in the year 1768, he had been invited by Mr. Lee to become a member of a corresponding society, "the object of which was, to obtain a mutual pledge from the members to write for the public journals or papers of their respective colonies, and to converse with, and inform the people on the subject of their rights and wrongs, and upon all seasonable occasions, to impress upon their minds the necessity of a struggle with Great Britain for the ultimate establishment of Independence." His letter to Mr. Dickenson bears date July twenty-fifth, 1768, and contains the following sentence: "To prevent the success of this unjust system, an union of counsel and action among all the colonies is undoubtedly necessary. The politician of Italy delivered the result of reason and experience, when he proposed the way to contest by division. How to effect this union in the wisest and firmest manner, perhaps time and much reflection only can show. But well to understand each other, and timely to be informed of what passes both here and in Great Britain, it would seem that not only select committees should be appointed by all the colonies, but that a private correspondence should be conducted between the lovers of liberty in every province."

The event alone and the glorious termination of the contest, could not shield from the charge of rashness or wild ambition, Mr. Lee's scheme of severing from the parent

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irishing scion, before a certainty that it had
oots sufficiently wide to imbibe its own nourish-
ment. It is known that the issue is often directed
beyond our control, be it fortune, or chance, or pro-
vidence, which consults better for us than we for ourselves.
The necessity there was for making a choice, and
we will approve the conduct of him who chose
of achieving liberty at the risk of life, before
certainty of abject and degrading slavery.
The science divided the heart of Dr. Lee with
his country. The faculty of the University of Edin-
burgh testified to his acquirements, by awarding him
the degree of Doctor in botany, and his contest at the bar, when
he was in his profession, against Dunning and Glynn, was
even on these distinguished advocates. He was a
favoured correspondent of Sir William Jones, and

ple of America. This is our last, our surest hope, this our trust and refuge." Another letter, written about the same time, concludes thus, "once more let me remind you that no confidence is to be reposed in the justice or mercy of Britain, and that American liberty must be entirely of American fabric."

On such assurances from one so competent to form a correct opinion, aided by his own deductions from the course of events, the fixed resolution of Mr. Lee to propose the independence of his country might have been characterized as virtuous and prudent, even although his measures of policy or operations of war had been frustrated, by the accidents of circumstance to which they must never submit.

Early in the session of 1769, Mr. Lee called the attention of the house of burgesses of Virginia to the late acts of the British parliament; his resolutions in opposition to the assumed right to bind the colonies, were characterized by some, as the overflowings of a seditious and disloyal madness, and produced the dissolution of the house; but not until he had as chairman of a committee on the judiciary and internal relations, brought in his report recommending the improvement of the navigation of the Potomac as high as fort Cumberland, thus evincing not only devotion to the cause of his country, but a deep penetration into her best interests.

The dissolution of the house of burgesses concentrated the opposition to the English ministry; the members having met in a private house, recommended their fellow citizens to refrain from the luxuries, and even necessities of life, if any of these were not the productions of their native land. Their advice operated as a law, non-importation societies spread over the colony, which religiously observed, and rigorously enforced the necessary restrictions. How far the exertions

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may have contributed to this most effectual
the voice of the merchants of Britain against
the ministry, has not been ascertained. It
r, that as an individual, he had long practised
meeting proposed, and being convinced of its
hed to see it generally adopted. To show
ty of her productions, his country was in
world, and "to testify his respect and gra
ho had shown particular kindness to America
ents of wine, the produce of his own hills,
men in England. The letters which accom
the orders to his London merchant not to f
y article on which a duty had been lai
ous to the formation of any non-importati

was not deceived by the calm intervals of
of our countrymen permitted themself

measure, proposed to address an humble petition to his majesty; which after reciting the grievances of his faithful subjects, should pray, "that he would be most graciously pleased to recommend the repeal of the acts passed for the purpose of raising a revenue in America, and for subjecting American property to the determination of admiralty courts, where the constitutional trial by jury is not permitted."

While many, during the following year, 1773, listened with melancholy attention, to the rumours spread abroad, in consequence of the burning at Providence of the *Gaspie* schooner, and the threatening aspect which the court of enquiry assumed, Mr. Lee only sought accurate information on the subject. For this purpose, he commenced a correspondence with the intrepid patriot Samuel Adams, which they afterwards continued, having been appointed by the legislatures of their respective states, members of committees on this subject. This correspondence exhibits so much dignified resentment, and firm determination, united with dispassionate observation and calm reasoning, as would obtain for it, even from the enemies of America, respect and consideration.

Lord North, the king's minister, suffered no passion to divert, no pursuit of pleasure to withdraw him from his deliberate design of destroying the liberties of this country. Plausible, deep and treacherous, he caused the duty acts, to be so far repealed, as would have imposed on the patriots of America a perplexing alternative, civil war for a trifling amount of taxes, or submission to a precedent of destructive tendency, had not the opposition of the inhabitants of Boston to the modified duty bill, taken the ministry by surprise. and caused them in their wrathful impatience to propose,

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liament to enact, a new and unheard of punishment disproportionate to the offence.

Intelligence of this violent measure of the assembly received by Mr. Lee, from his brother Richard, then in London, while the house of burgesses was in session; the resolution of the house to spend the day in fasting and prayer, as a day of fast and prayer, caused the governor again to dissolve the assembly. Immediately after this event, Mr. Lee, on the unexpected dissolution of the house, prevented the passing of certain resolutions which he had prepared for the following day. The tenor of the whole may be seen in the two last, which are in these words, "Resolved, that the blocking up, or attempting to block up the city of Boston, until the people there shall submit to the taxes imposed on them without the consent of their representatives, is a most violent and dangerous

meeting, embracing the substance of the first of the above resolutions, but the second was softened into a recommendation to the committee of correspondence, to obtain the sentiments of the other colonies, on the expediency of a meeting of deputies, "to deliberate on those general measures which the united interests of America may from time to time require." The meeting then adjourned till the first day of August.

An incursion of the Indians, on the frontiers of Virginia, furnished a cause or afforded a pretext to the governor, for summoning a new house of burgesses. Policy might prostrate what power could not suppress, the voice of a people resolved on freedom. He, therefore, issued writs for a new house, returnable on the eleventh of August, thus offering to the representatives an opportunity of meeting in the usual manner, as a reward for ten days delay, and as a bribe to renounce the authority of the people. If such were his motive, bitter disappointment was the fruit of his crafty scheme; for he saw the most distinguished men in the colony meet, at the call of the people, on the first of August, 1774, to compose the first assembly of Virginia.

After having advocated in this assembly, his favourite measure, with all the fervour of his nature and the power of his eloquence, Mr. Lee had the gratification to be deputed by it, with Washington and Henry, as delegates to a continental congress. This august body met at Philadelphia, on the fifth of September, 1774. It is said that silence, awful and protracted, preceded "the breaking of the last seal" in this assembly, and that astonishment and applause filled the house when this was done by Patrick Henry. The thrill of exultation and glow of excitement might have subsided into dejection or sunk into lassitude, had not Mr. Lee perceived,

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on every lip, the gleam on every eye." By the force of intuition, he saw, that a small impression of this mass of agitated feeling to evil or to good, the sweetness of his language, and harmony of his voice, but did not suppress the emotions of his audience. With the most persuasive eloquence, he talked of but one hope for his country, and that was the success of her resistance.

In the *Life of Patrick Henry*, it is assumed, that Richard Henry was unfitted for the details of business, and it is inferred, that, when the topics of declamation were presented, he whose powers could only be applied to the language of the passions of a multitude, must have possessed an influence which he had at first acquired. This position is in the same place asserted; but it would seem to be a corollary, from a principle which the author himself denies, that eloquence in speech is not a natural gift, but is acquired by the use of the voice.

pose of embodying proposed amendments, and Mr. Dickenson was added to the committee. The amended petition was brought in on the twenty-fourth, and finally adopted. Of this, as well as of the original one, Mr. Lee has been generally considered as the author, but justice requires that this eloquent composition should be assigned to him who truly wrote it. On the presentation of the first petition, which had been drawn up by Mr. Lee, with all the energy natural to his character, and with a bold assertion of opinions, which, though coincided in by most of the delegates, it was deemed somewhat imprudent yet to express, Mr. Dickenson was added, as we have mentioned, to the committee, and to his pen the document is to be assigned. Messrs. Lee, Livingston, and Jay, were the committee to prepare a memorial to the people of British America, and an address to the people of Great Britain; in the committee it was agreed that Mr. Lee should prepare a draught of the former, the first in order and importance, and that Mr. Jay should sketch the other, which was accordingly done. On the twenty-first of October, the committee reported a draught of the memorial; it was debated by paragraphs, and with some amendments approved. It has always been believed, that the memorial was written by Mr. Lee, nor have any reasons to doubt it come to our knowledge. Messrs. Cushing, Lee and Dickenson were appointed to prepare an address to the people of Quebec, and it has often been said and never contradicted, that this address was written by Mr. Dickenson.

The committees to state the rights and grievances of the several colonies, and to devise the most effectual means of carrying into effect the resolution of non-intercourse with Britain, were not less important than the foregoing committees, and of these Mr. Lee was also a member. He knew,

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convulsion of states, courage and vigorous energy; in such periods inactivity is certainly while bold temerity is often crowned with success that to linger in doubt, in such a state of affairs in to their cause, and in this belief, he proposed resolutions. "Resolved, that, as we find in the preamble to the act of parliament for raising the revenue in America, to be for supplying the necessities of the administration of justice, and for protecting and securing the colonies, the congress recommends that, in which it is not already done, to give the colonies, competent, and honourable support in the government and administration of justice it is quite unreasonable, that the mother country should bear the expense of maintaining standing armies in America for its defence, and that administration be so conducted, that this is unnecessary and improper, as No.

destitute of that which gives a charm to them all, the possession of liberty, he moved, "that the congress are of opinion that it is inconsistent with the honour and safety of a free people, to live within the control and exposed to the injuries of a military force, not under the government of the civil power." The moderation of congress, however, enabled them to see the evils, which had arisen to other governments from too much legislation, hence they rejected Mr. Lee's resolution, believing that it was a subject on which the people of Boston ought to have an unprejudiced choice.

When the first Congress dissolved itself on the twenty-sixth of October, 1774, the impression which remained on the public mind, concerning Richard Henry Lee was, that in him elegance of manners was united with the strictest honour, and unshaken fidelity; that he was proof against temptation; firm, upright and void of ambition; that with great ardour of feeling, the boldness of his spirit was under the curb of reason and discretion.

Not to have returned Mr. Lee to the next assembly of Virginia, in 1775, would have argued in the people of Westmoreland, blindness to their own interest or ignorance of his character: their unanimous suffrage, however, was a grateful tribute to his merit and gave him a renewed opportunity of serving his country. The proposal of Patrick Henry, to arm the militia of the colony, met with opposition in this assembly, but the coldest nature must have been animated, the firmest prejudice moved, even the strongest reason shaken, had reason been in opposition, by the rapid communication of the passion for liberty, through the eloquence of a Henry and a Lee. "Give me liberty, or give me death," the concluding sentiment of the mover of the resolution, rung through the assembly, and the cords of

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were vibrating in unison; the choice, however, till his friend and supporter assured the assembly, "that the race was not to the swift, but to the strong, and if, (said Mr. Lee,) the genius may be added to inspiration, I will say I am your bard,

price is he armed, who hath his quarrel just,
and he but naked, though locked up in steel,
whose conscience with injustice is oppressed."

When the assembly became impatient of speech, their souls were in motion, the motion was carried, and Washington Lee, with others, appointed to prepare the resolution.

When congress met on the tenth of May, 1775, he was deputed by the convention of his native state to receive their thanks "for his cheerful

appointing him on each of the committees to carry these measures into effect.

Few memorials of the genius and taste of Mr. Lee, as an orator and a writer, have descended to posterity, but even these are sufficient, to excite regret for the loss of others, and to refute the calumnies, or correct the errors of some, who assert his failure in composition. The second address to the people of Britain, in the name of this congress, is the production of his pen, and an emblem of his mind ; its sentiments are sublime ; its style chaste and elegant ; its reproaches dignified, and its expostulations fervid. For eloquence and depth of feeling, it is not surpassed by any of the state papers of that period, and well merits the eulogy pronounced on the writings of congress by the first lord Chatham. Speaking in the house of lords, that nobleman thus expressed himself: "when you consider their decency, firmness and wisdom, you cannot but respect their cause and wish to make it your own. For myself, I must declare and avow, that in all my reading, and it has been my favourite pursuit, that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under all the circumstances, no nation or body of men, can stand in preference to the general congress at Philadelphia."

A short recess in the month of August, enabled Mr. Lee to retire to his native state, but not to leisure and repose ; for he was present in the assembly, summoned by the royal governor to consider, what were called, the conciliatory propositions of lord North. These, however, when their sophistry was exposed, were found to be as unreasonable as insidious. The opinion of congress was the voice of the colonies, that "they seemed to be held up to the world to

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to a belief, that there was nothing in dis
of levying taxes."

teenth of September the congress again me
to state the important part, which the subject
look in the events of this session, would be
acts. To devise ways and means of furnis
with a naval armament, to consult with
n chief, on a plan of military operations, to r
of dollars for the service of the country,
the execution of continental contracts, and
propriety of establishing a department of
the important duties assigned to him by the v
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nce: the hosts of Britain had assembled on
with the timidity of conscious guilt were invol

own mighty resources : necessity urged, and Mr. Lee had ever listened to the voice of his country ; he depended, for his safety, on the extent of her territories, her capabilities of defence, and the alliances which the declaration of independence would procure, or he despised the consequences, and was deaf to the suggestions of fear. On the seventh of June, 1776, Mr. Lee moved “ that these united colonies are, and of right, ought to be, free and independent states ; that they are absolved from all allegiance to the British crown ; and, that all political connexion between them, and the state of Great Britain, is, and ought to be, totally dissolved.”

This motion, which was followed by a protracted debate of several days, was introduced by one of the most luminous and eloquent speeches, ever delivered by its illustrious mover. “ Why, then, sir, (says Mr. Lee, in conclusion,) why do we longer delay ? Why still deliberate ? Let this happy day give birth to an American republic. Let her arise, not to devastate and to conquer, but to re-establish the reign of peace and of law. The eyes of Europe are fixed upon us ; she demands of us a living example of freedom, that may exhibit a contrast, in the felicity of the citizen, to the ever increasing tyranny which desolates her polluted shores. She invites us to prepare an asylum, where the unhappy may find solace, and the persecuted repose. She entreats us to cultivate a propitious soil, where that generous plant which first sprung and grew in England, but is now withered by the poisonous blasts of Scottish tyranny, may revive and flourish, sheltering under its salubrious and interminable shade, all the unfortunate of the human race. If we are not this day wanting in our duty, the names of the American legislators of 1776, will be placed by posterity, at

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Theseus, Lycurgus and Romulus, of the Nassau, and of all those whose memory will be, dear to virtuous men and good

th of June, it was resolved, "that the consideration respecting independence be postponed till the first day in July next, and in the mean while, that in case the congress agree thereto, that a committee be appointed to prepare a declaration to the effect of the following resolution."

One day, an express from Virginia informed him of the dangerous illness of some members of his family, and his presence there absolutely necessary :

He was obliged by him to withdraw from his duties in congress, and to leave it to others to perfect his measures, by his writings, by his speeches, both in and out of

ters. It is asserted, that had the arms of England prevailed, the surrender of Washington and Lee would have been demanded as a preliminary to any treaty. The rudeness of individuals cannot be charged upon their nation, yet, that men, in the garb and rank of gentlemen, could not refrain from expressing, to the sons of Mr. Lee, then at school in St. Bees, "the hope that their father's head might soon be seen on Tower hill," may serve to show the light in which he was viewed by the royalists of that day. The desire of the enemy to cut off by any means so able a supporter of the rights of America, was only equalled by the solicitude of his fellow citizens to secure his safety and happiness.

During his absence from congress, a British captain of marines, with a strong party of men from vessels of war then in the Potomac, broke into his house at midnight, and by threats and bribes endeavoured to prevail on his domestics to betray their master, for, it was understood that Mr. Lee was in the vicinity. Honourably deceitful, the servants assured the party, that he had already set out for Philadelphia, although he was then only a few miles from his farm. The solicitude of his friends for his safety was evinced by their constraining him to forego the melancholy pleasure of a visit to general Charles Lee, then a prisoner in New York. Mr. Lee's reply to the invitation of the general, is marked with the brevity of deep feeling and with the language of manly grief, which swells the bosom, when it cannot serve a friend in the time of necessity. It is as follows :

"My dear friend, my feelings are not to be described. I would go to every extremity to serve my friend and the able friend of liberty and mankind. But here my power fails. I

The absence of Mr. Lee from congress beginning of August, 1776 ; but immediately he was appointed on the most important took a distinguished part in preparing a foreign nations, and in reconciling the dictatorial powers of Washington ; he furnished for our ministers to foreign states, and addressed by congress to these ministers, of his pen.

From his return to congress till June, to sustain the great weight of business with persevering industry drew upon him, as the same luminous path of glory as in the But in such dazzling brightness of fame, and shade, would have argued him more than of the envious and the monarchists, or the lance of pure republicans, charged Richman with toryism, and disaffection to his country ; in kind and not in colonial money, was they rested so odious an imputation. From the accusation proceeded, it gained stren

to Virginia. He there demanded an enquiry by the assembly into the nature of the allegations against him. The senate attended, and their presence gave additional solemnity to the scene. The result was, that in pursuance of a resolution of the house, the venerable George Wythe, while the tear of deep feeling stood in his eye, addressed Mr. Lee in these words.

“It is with peculiar pleasure, sir, that I obey this command of the house, because it gives me an opportunity while I am performing an act of duty to them, to perform an act of justice to yourself. Serving with you in congress, and attentively observing your conduct there, I thought that you manifested in the American cause a zeal truly patriotic; and as far as I could judge, exerted the abilities for which you are confessedly distinguished, to promote the good and prosperity of your own country in particular, and of the United States in general. That the tribute of praise deserved, may reward those who do well, and encourage others to follow your example, the house have come to this resolution: that the thanks of this house be given by the speaker to Richard Henry Lee, for the faithful services he has rendered his country, in discharge of his duty as one of the delegates from this state in general congress.”

The candour and justice of the house in this investigation was not undeserved, for the motives of Mr. Lee were pure although the assertions had some foundation in truth. When the non-intercourse regulations were generally adopted, and the want of markets lessened the demand for produce, Mr. Lee, probably at the request of his tenants, received his rents in kind; but during the war the quantity of produce was diminished and the demand increased, while the issues of paper money by the states and congress, impaired its real

gates, furnished a motive and leisure to h
into the affair and to justify his conduct.

Mr. Lee, on the resignation of Mr. Mi
to fill the vacancy in congress, and conti
devotion to his country, to discharge a
station. His health, however, daily de
forced him, during the sessions of 1778
draw at intervals from the overwhelming
could not longer sustain. It has been rem
pen, in whose house he lodged, that “
were not confined to those subjects referre
tion, and that there was a constant progr
repairing to his chambers to consult abou

No subject of more importance to the
yet come before congress, than the instruc
he given to ministers, who were to nego
foreign powers. The firmness and enl
Mr. Lee were peculiarly conspicuous in tl
subject. No sectional jealousy nor indivi
could affect his mind: the prosperity of the
of the west, received alike his solitud
right to the fisheries, and navigation of the

lightly esteeming an interest in which they could not participate, that the representatives of the southern states were ready to abandon the right to the fisheries, and that they refused to demand an entire and free navigation of the Mississippi. The opinions of Washington may have been the sentiments of the majority. He thus writes to Mr. Lee on the subject: "I have ever been of the opinion that the true policy of the Atlantic states would be, instead of contending prematurely for the free navigation of that river (the Mississippi,) to open and improve the natural communications with the western country, through which the produce of it might be transported with convenience and ease to our markets. And sure I am, there is no other tie by which they, (the inhabitants of the west,) will form a link in the chain of federal union."

Mr. Lee indeed at this period either from his feelings or judgment, or perhaps from both, seems to have identified himself, in a considerable degree, with the interest of the eastern states, so far even as to think of that portion of the country as his future residence. It is difficult entirely to account for these feelings, certainly not those which usually actuate the citizens of Virginia. With the proceedings of his native state he had been undoubtedly dissatisfied; and he may fairly be justified from the state of society which prevailed there, before the important and beneficial changes which followed republican institutions were fully introduced. There seem, however, to have been at the period in question, some remains of the pomp and luxury, of the pride of family and haughtiness of manner which characterized the Virginians before the revolution. That they, whose vigour of manhood was devoted to their country, and whose mental and physical energies were called forth only for her welfare; whose health was impaired and whose for-

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most exhausted in so glorious a cause, should
ment to avoid the painful contrast which the
ty of such men would form with their virtuous
pride, is consistent with the best feelings of our
may account for the conduct of both Mr. Lee
ry.

abled to present the reader with several letters
r. Lee about this time, and when absent from
which the feelings to which we have alluded,
marked, and which at the same time will
on the events of the times, and give pleasing
his epistolary style.

ember 29—writing to Mr. Whipple, he says,
n be more pleasing to me in my retirement
from my friends, and the pleasure will be
n they inform me that the vessel of state is well
likely to be conveyed safely and happily into

the United States ; an object in my opinion of great magnitude ; I may be mistaken, but I have thought our sensible friend rather too cautious upon this head. A well managed force at sea, will not only make us very respectable, but presently repay its cost with interest. We shall surely err, by reasoning from what has happened to what will happen, because we have heretofore singly opposed our feeble force on the sea, to the overgrown power of Great Britain ; but now, our marine force, under the supporting wing of our great and good ally, will thrive I hope, and grow strong upon the spoils of our common foe. I wish the marine committee may stoutly contend against all opposition, and vigorously increase the navy. In favour of this system, we may say that the wealth and glory of many states have been obtained by their fleets, but none have immediately lost their liberty thereby. Let the man be produced who can truly say as much of standing armies. I left my worthy colleagues of the marine committee, well disposed to relieve us this winter from the depredations of Gutridge's fleet of pirates, who infest the coast extremely, from New York to Cape Fear. They not only injure our commerce greatly in these middle states, but they prevent in great measure the water communication between us and our eastern friends. This fleet did consist of one brig of sixteen guns, a schooner of the same force, a sloop of twelve guns, and the rest of little strength. Whilst your northern seas are too tempestuous for cruising, this southern coast, supplied with such convenient harbours, may be visited by the continental frigates, making Chesapeake Bay their place of rendezvous, to the extirpation of these sea banditti that disturb us so much at present. A stroke of this sort would do credit to our committee, and serve the com-

“remember me with affection to the society
to my friends of Connecticut, Rhode Island,
sylvania, and Delaware—I fancy this is a
go, unless I were to admit the good old p

1778, June 26—To the same he says,
and you as happy at Philadelphia as we
nothing but the want of rain disturbs us.
wicked, nor perverse, nor foolish politician
conduct makes us fear for the safety of our
frequently admired the philosophic ease we
contemptuously viewed proceedings in congress
shocked me exceedingly. I suppose you are
opinion with Mr. Pope, that “whatever i
lieve indeed that the wisdom and goodness
does most frequently deduce good from
tremely chagrined when I see wicked an
session in and mis-conduct the public coun
that our excellent friend Samuel Adams ha
am truly sorry for it, because I well know t
integrity would be missed from any assembl
pensable to the one from which he went.
oldest member, and the most skilful in mari

Boston can with infinite ease destroy the enemy's vessels which are doing us so much injury, and creating so great expense, by frequent calls for militia. They have already burnt several private houses, and one public warehouse with between two and three hundred hogsheads of tobacco, and carried off much plunder and many negroes. As soon as they see the militia gathering, they embark and go to another unguarded place. They have six vessels—Otter sixteen, Harlem twelve guns, king's vessels; Dunmore sixteen, schooner Hammond fourteen, Lord North twelve guns, and Fincastle two three pounders. The four last Guttridge's pirates. They say their orders are to burn and destroy all before them. An eastern man whom they had captivated and detained, escaped from them when they were burning the warehouse, and gives us the above account of their force, which is confirmed by others. They land between sixty and seventy men when they mean to do mischief. I do not think that I can be charged with excess of opinion in favour of our navy, when I say, it appears to me, that the frigates already mentioned, could quickly destroy these pirates and return to their station, after thus relieving our water bound country, and removing the cause of great expense. The frigates by calling at Hampton can get the best intelligence of the enemy's situation and force. I shall thank you for your foreign and domestic news, as well as to know what tunes the fiddle party have and are playing. My best respects attend my whig friends in congress."

1779, August 8—To the same, he says, "My indisposition prevented me from replying to your favour of the eleventh, by last post, and I am now very unwell, but will no longer delay thanking you. We are much obliged to the marine

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for their attention ; I see the frigates have
two prizes, vessels of war. The other f
e, would no doubt have been of considerabl
very apprehensive with you, that her freigh
for some time ; not until other goods co
ope those coming will be really good, and no
ernicious stuff, as that to be re-proved. V
t come, so that a change bids fair to be bene
may quickly take place. I fancy the " ugly in
t a good deal by the dressing lately given by o
e oath anti-commercial ordered to be taken.
you can, whether the bass viol has groaned
t it would stick in the throat, not from prin
r. No doubt the " old game " will continue
st a certain set continue where they are.
st faithful friends of America, must be exec
and most faithful friends of our enemies

bondage, even finance and foreign affairs are trifled with, abused, and go wrong——Colonel F. L. Lee is very thankful for your kind remembrance of him, and sends his respects—he is not well any more than myself. It is impossible for us to be so, whilst the cause of America receives such injury from bad men.”

1779, September 4—to the same he writes, “I am infinitely obliged to you for your very friendly letter of the twenty-third last, and I assure you that whilst I live, I shall never fail to retain the most affectionate remembrance of you. My health, I thank you, is well restored, and my spirits not a little enlivened, by the discomfiture of those wicked ones, whose detestable arts have prevailed, much too long for the interest of that cause, which we have laboured so much to promote and to secure; I believe the Confederacy’s freight will be a very guilty one, and the sooner we are quit of it the better; I think the companion of Mr. Adams to be the very worthy man he describes him, and such an one as will honour his country, and benefit, not distract this. I can feel with proper force, the satisfaction that good men must have received, and the chagrin that bad ones felt, when Dr. Lee’s papers were read; but how, my dear friend, will the honour of congress stand, if they suffer that wicked insulter and injurer of America, Silas Deane, to go off uncensured; already you find, by his memorial, that your silence is construed into approbation of his conduct, and this idea will be pushed through the world to his plaudit, and the indelible dishonour and disgrace of congress. Yet, it is most certain, that upon the estimation with which mankind regard congress, does the future interest and success of the United States most essentially depend. Fiddle is the most contemptible wretch in the world, and if he takes the oath and

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congress, I am much misinformed, if he will
cause to rue it. You have certainly been
abundance of filth lately from congress; does
it yet remain? I hope, however, it will be cleared
you do not get a wise and very firm friend
the fishery, it is my clear opinion that it will
upon this principle, that it is the interest of
power, to weaken us and to strengthen them
I have gone to Williamsburg to demand a public
the governor and council, that he may, as he
early do, refute the calumnious charges brought
in his absence. Long ere now, I supposed
ed the dispatches he brought, which I forwarded
; I believe they contained more proofs of
of faction. Dr. Lee informs us that he
merica as soon as the treaty with Spain is at
submit my opinion concerning his resignation.

government in Massachusetts, where yet I hope to finish the remainder of my days. The hasty, unpersevering, aristocratic genius of the south suits not my disposition, and is inconsistent with my views of what must constitute social happiness and security.

"It is not long since I received your favour of February the thirteenth, from Paris. So far as immediate personal ease and happiness are the objects, it is beyond a doubt that the life of a private citizen is more desirable than any public character whatever, and especially such as carry us from home. But my friend, we must consider that individual happiness flows from the general felicity; and the security of the whole is the safety of particulars. What must become of the American cause and character, if her councils at home and abroad are to be filled and conducted by half tories, ambitious, avaricious and wicked men? These considerations induce me to wish that you would not give up the thoughts of public service, until our affairs are better settled. I wish with all my heart, that the Chevalier De la Luzerne and Mr. De Marbois had originally come here. I do assure you, it would greatly have benefitted the cause of the alliance and the United States. Such scenes of wicked intrigue I never expected to take place in America, until the maturity of time and luxury with its consequent train of vices, had ripened us for destruction! * * * I heartily wish you success in your negotiation, and that whilst you secure one valuable point for us, (the fisheries,) you will not the less exert your endeavours for another very essential object, the free navigation of the Mississippi, provided guilty Britain should remain in possession of the Floridas. I totally despair of this navigation from any other advocacy."

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gs which these letters indicate, only prompted
evote himself with increased zeal to the defence
y, in every practicable manner. When absent
slature we find him in the field, displaying all
resisting the aggressions of the enemy, which is
that he wrote. They had at this period turned
n to the southern states, and were carrying on
coast of Virginia a predatory and harassing
d Mr. Lee was appointed, as lieutenant of the
e command of the militia of Westmoreland. In
as as distinguished for firmness, energy, activity
t, as he had been in the councils of the nation,
o none of the counties on the Potomac were
than Westmoreland, his judicious disposal of
nder his command protected it from the dis-
rsions to which the others were subjected. The
generals Weedon and Greene in favour of the

horse fell with him amid the broken and insecure ground on the beach, only a few yards from the advance of the British troops. His presence of mind did not forsake him in so untoward an accident, and he was by great skill able to cover the retreat of his little party without considerable loss on his side.

During the years 1780, 1781, 1782, Mr. Lee would not accept a seat in congress, from a belief that his services in the assembly of his native state would be more profitable to his country; particularly at that time when the establishing of her government, and some of her most important concerns were under consideration. Among these, three subjects were more particularly prominent, and most frequently agitated in the house, the making paper money a legal tender at its nominal value, the payment of British debts, and a capitation tax for the support of the clergy, or as the advocates of the measure called it, "a general assessment for the support of the christian religion."

With respect to the payment of British debts, and the policy of making paper money a legal tender, Mr. Lee was constantly opposed to his friend Patrick Henry, and they both, among the new political characters who had risen high in public estimation, continued to keep their place far in the van. The vivid and interesting comparison of the merits of these great men, at the time of which we treat, is given by a correspondent of the author of the *Life of Patrick Henry*. "I met with Patrick Henry in the assembly, in May, 1783; I also then met with Richard Henry Lee. These two gentlemen were the great leaders of the house of delegates, and were almost constantly opposed: there were many other great men who belonged to that body, but as orators they cannot be named with Henry or Lee. Mr. Lee was a polish-

the mediate class of eloquence, described in *belles lettres*. He was like a beaut through a flowery mead, but which banks. It was Henry who was the swept away every thing before it; it dered and lightened, he alone attained eloquence, also mentioned by Rollin."

To impede the payment of British a violation of all principles of honest and declared, "that it would have b mained the honest slaves of Britain, freemen." He eloquently urged, that to make light of the faith of contracts principles of virtue, on which alon secure. His views on the other su from the following quotations: "T money," he says in a letter to Mr been issued, (and this being now a te of rents) and the consequent depre effected an entire transfer of my estat very far from desiring that the law tracts literally as they were, but sul

those of Patrick Henry. "It is certainly comfortable to know, that the legislature of our country is engaged in beneficial pursuits ; for I conceive that the general assessment, and a digest of the moral laws, are very important concerns ; the one to secure our peace, and the other our morals. Refiners may weave reason into as fine a web as they please, but the experience of all times shows religion to be the guardian of morals ; and he must be a very inattentive observer who cannot perceive, that in our country, avarice is accomplishing the destruction of religion, for want of a legal obligation to contribute something to its support. The declaration of rights, it seems to me, rather contends against forcing modes of faith and forms of worship, in religious matters, than against compelling contribution for the support of religion in general."

To state the opinions of Mr. Lee on these subjects, seemed to be the duty of his biographer ; but to discuss the merits of the questions involved in them, belongs to the philosophic historian. The people most interested then, were, no doubt, competent to distinguish between the fitness of a proposition and the authority of a name ; between the strength and clearness of intellect, and absolute infallibility.

The sovereignty and independence of the United States were now acknowledged by England, and the provisional articles of peace embraced those measures which Mr. Lee had so strenuously supported. The sheathed sword required no longer an arm to wield it, but the deliberative council might still be aided by the voice of experience. Mr. Lee, therefore, willingly accepted the mark of confidence and attachment with which the people of Virginia again honoured him, and took his seat in congress, on the first of November, 1784. The highest office under the old confederation was

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, and on the thirtieth of the month a sufficient number of states having assembled, Mr. Lee was raised to the presidential chair. The delegates to congress were chosen in their choice; the congratulations of Washington and John Adams were re-echoed by every state; and the president of congress exhibited in that office the same energy and vigour which he had shown in every department of public business. His correspondence with ministers, and his negotiations with the diplomatists of foreign courts, were marked by the same plainness and sincerity.

When his service expired, he retired to the bosom of his family with the satisfaction of having faithfully discharged the duties imposed in him, having received "the thanks of his country for his able and faithful discharge of the duties of that station."

He was not a member of the convention which

tionable, and such as the best theories, with experience, justify ; not trusting as our new constitution does, and as many approve of doing, to time and future events, to correct errors that both reason and experience in similar cases, now prove to exist in the new system."

The good of his country was the sole motive, and reason the only means of opposition to the adoption of the federal constitution used by Mr. Lee. Fear, the offspring of force and opinion, seemed to him the only means by which to restrain men ; the latter cannot exist without competent knowledge of those who govern, and that knowledge cannot exist in so extensive a country as the United States, so as to support one general government. He was anxious that the confederated states, united for mutual safety and happiness, should contribute to the federal head, only such part of their sovereignty as might be necessary for these purposes ; but when a majority of the people willed that constitution to be the rule by which they would govern themselves, he thought it his duty, to endeavour by every means, to establish in the commencement of the government, such a system of precedents, as would check the evil tendencies then supposed to exist in the constitution.

As the first senator from Virginia under the new constitution, he proposed several amendments, the adoption of which seemed to him to have lessened the apprehended danger. He continued to hold the honourable and important trust of senator of the United States, with great satisfaction to his native state and advantage to his country, till enfeebled health induced him to withdraw from public life, and seek that repose which is so agreeable to declining years, and that enjoyment, which a mind like his, always receives within the circle of domestic retirement. On the twenty-second of October,

their country of his valuable services ;
wish he may, in his retirement, with us
close the evening of a life, in which he
shone forth as a statesman and a patriot
ful of his many exertions, to promote
they are particularly thankful for his
of the legislature of the United States

The preceding sketch may give some
services of Mr. Lee, but who can deny
of which he was the centre? giving
all around him, possessing all the enjoyments
from virtue, unblemished fame, blood
friendship, elegance of taste, and a high
His hospitable mansion was open to all
distressed frequented it for relief and comfort
for instruction, the old for happiness
family of children, the offspring of two
around and clung to each other in fondness
the wisdom of their father, while they
delighted by the amiable serenity, and
his conversation. The necessities of his
frequent absences but every return to

show the extent of his acquirements, and the refinement of his taste, the solidity of his judgment and the vividness of his imagination; but the personal appearance of such a man may be an object of curiosity to posterity. His person was tall and well proportioned; his face was on the Roman model; his nose Cæsarian; the port and carriage of his head leaning persuasively forward; and the whole contour noble and fine. The eye which shed intelligence over such features, had softness, and composure as its prevailing characteristic, till it glowed in debate or radiated in conversation. His voice was clear and melodious, and was modulated by the feeling which swayed his bosom. The progress of time was insensible to those who listened to his conversation, and he entwined himself around the mind of his hearers, fixing his memory on their hearts. In the vigour of his mind, amid the honours of the world and its enjoyments, he had declared his belief in Jesus Christ as the Saviour of men.

The following sketch may gratify the reader, although it can only serve to bring the defects of the present undertaking into stronger and more immediate contrast. The writer cannot, however, refrain from ornamenting his work with it, even while the poet's warning is fully before him. "Mr. Lee had studied the classics in the true spirit of criticism. His taste had that delicate touch which seized with intuitive certainty every beauty of an author, and his genius that native affinity which combined them without an effort. Into every walk of literature and science he had carried his mind of exquisite selection, and brought it back to the business of life, crowned with every light of learning, and decked with every wreath that all the muses and all the graces could entwine. Nor did these light decorations constitute the whole value of its freight. He possessed a rich

also of the civil and municipal law
quence was free from those stiff an
which the habit of forensic speaking
he had all the legal learning which i
man. He reasoned well, and declaimed
The note of his voice was deep and
canorous voice of Cicero. He had lo
hands, which he kept constantly cov
bandage, neatly fitted to the palm of l
thumb free; yet, notwithstanding this
was so graceful and highly finished,
acquired it by practising before a
promptitude, that he required no
He was ready for any subject as soon
and his speech was so copious, so rich
with such bewitching cadence of voice
grace of action, that while you listened
to hear nothing superior; and indeed
He had quick sensibility and a fervent

Mr. Lee breathed his last on the night
in the sixty-fourth year of his age, at
land county, Virginia, a few weeks before

THOMAS JEFFERSON.

THE great tragic poet of antiquity has observed, and historians and philosophers in every age, have repeated the observation, that no one should be pronounced happy, till death has closed the period of human uncertainty. Yet, if to descend into the vale of life, beloved and honoured; to see the labours of our earlier years, crowned with more than hoped for success; to enjoy while living, that fame, which is usually bestowed only beyond the tomb; if these could confer aught of happiness, on this side the grave, then may the subject of our memoir be esteemed truly happy.

He, indeed, survived those who were the partners of his toils, and the companions of his earlier years; but in so doing, he did not experience the usual fate of mortality, in surviving the sympathy, the kindness, and the love of his fellow creatures. A new race of companions rose around him, who added to those feelings the deeper ones of admiration, respect, and gratitude; and he long lived in the bosom of his country, which was the bosom of his friends, cherished with an affection, bestowed at once by the ardour of youth, and the reflection of age.

JEFFERSON.

not resist applying to him, that sentiment in
of historians has indulged, when speaking
Mr. Jefferson strongly resembled, in the mi
gnity of his domestic character, his fondne
of science, chastened, but not extinguish
ions of an active life, the serenity of his t
rs, and a modesty and simplicity, which,
an uncommon lustre over his public career, d
less conspicuous scenes of retirement. "Ag
ed to the full," says Tacitus, "those enjoy
e can make us truly happy, those which
—he had been adorned with all the dignity,
ank or triumphal honours could bestow—
fortune add to his happiness or his fame?"
author of this article say, that it is with fee
d diffidence, he takes his pen to record a
y transient account, of the chief incidents i

liar opinions he may entertain. It is his duty alone to state their existence, with the powerful influence that attended them, and to ask from his country, that, all prejudices laid aside, the illustrious object of his labours may come before them, in that cloudless mirror, wherein posterity will examine the fathers of our country.

THOMAS JEFFERSON was descended from a family, which had been long settled in his native province of Virginia. His ancestors had emigrated thither at an early period; and although bringing with them, so far as is known, no fortune beyond that zeal and enterprise which are more than useful to adventurers in a new and unknown country, and no rank beyond a name, which was free from dishonour; they had a standing in the community highly respectable, and lived in circumstances of considerable affluence. His father, Peter Jefferson, was a gentleman well known in the province. He was appointed in the year 1747, one of the commissioners for determining the division line, between Virginia and North Carolina, an office which would seem to indicate at once considerable scientific knowledge, and that integrity, firmness, and discernment, which are so peculiarly necessary in settling the boundaries between small but independent territories.

Thomas Jefferson was born on the second day of April, (O. S.) 1743, at Shadwell, in Albemarle county, Virginia, and on the death of his father, succeeded (to an ample and unembarrassed fortune. But little is known of the incidents of his early life, and the biographer is entirely destitute of those anecdotes of youth which are so often remembered and recorded, pointing out, as they seem to do, the latent sparks of genius, and foretelling the career of future usefulness and

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we first hear of him as a student in the college of William and Mary, at Williamsburg, and then, ignorant in the youthful arena of literary fame, finding his way to the law, under a master whose talents and virtues offered a model for his succeeding life, the great George Wythe, afterwards chancellor of the state. With this gentleman he was united, not merely by professional connexion, but by a congeniality and similarity of views, alike honourable to both. The friendship formed in youth was cemented by age, and when the venerable George Wythe, at the close of his life, in 1806, he bequeathed his philosophical apparatus to a pupil and friend, Jefferson proved himself worthy of his instruction.

Jefferson was called to the bar in the year 1766, and he commenced the practice of his profession, with zeal and success.

as early as the year 1769, a distinguished member of the legislature of Virginia, associated with men, whose names are inscribed among the first and most determined champions of our rights. Ever since the year 1763, a spirit of opposition to the British government, had been gradually arising in the province, and this spirit was more and more increased, by the arbitrary measures of the mother country, which seemed to be the offsprings of rashness and folly, singularly extraordinary. The attachment to England was, indeed, considerable in all the colonies, and in Virginia it was more than usually strong ; many of the principal families of the province were connected with it by the closest ties of consanguinity ; the young men of promise, were sent thither to complete their education in its colleges ; and by many, and those not the least patriotic, it was fondly looked to as their *home*. To sever this connexion, one would suppose to be a work of no ordinary facility ; yet such was the rash course pursued by the British ministry, that a very brief space was sufficient, to dissolve in every breast that glowed with national feeling, the ties which had been formed by blood, by time, and by policy ; a very short experience was enough to convince every mind, conversant with the political history of the world, and able to weigh, amid the tumult of the times, the probable chances of successful resistance, with the miseries of submission or defeat, that there was no hazard too great to be encountered, for the establishment of institutions, which would secure the country from a repetition of insults that could only end in the most abject slavery. It will not be doubted, that Mr. Jefferson was among the first to perceive the only course that could be adopted ; his own expressive language portrays at once the sufferings of the country, and the necessity of resistance.

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onies" he says, in alluding to this period, "ally and externally; their essential interests individuals in Great Britain; their legislatures rters annulled; trials by juries taken away; ected to transportation across the Atlantic, a ign judicatories; their supplications for re ath answer; themselves published as cowar of their mother country and courts of Eur is sent amongst them to enforce submissi ces; and actual hostilities commenced ag alternative was presented, but resistance o submission. Between these there could l They closed in the appeal to arms."

st of January, 1772, Mr. Jefferson marrie Mr. Wayles, an eminent lawyer of Virginia which he at once gained an accession of stre and secured in the intervals of public busi

The year 1774, found Mr. Jefferson still an active member of the legislature of Virginia. The passage of the Boston port act, and the bills which immediately followed it, had filled up the measure of insult and oppression. The private property of all was to be sacrificed for the public conduct of a few; the faith of charters was unhesitatingly violated; and personal liberty and life itself were destroyed, without resort to the common forms of justice, and without redress. At this crisis, Mr. Jefferson wrote and published his "Summary view of the rights of British America;" having devoted to its composition all the leisure he could obtain from the labours of his public situation; although these had become by this time, from his active and energetic character, extremely arduous.

This pamphlet he addressed to the king, as the chief officer of the people, appointed by the laws and circumscribed with definitive power, to assist in working the great machine of government, erected for their use, and consequently subject to their superintendence. He reminded him, that our ancestors had been British freemen, that they had acquired their settlements here, at their own expense and blood; that it was for themselves they fought, for themselves they conquered, and for themselves alone, they had a right to hold. That they had indeed thought proper to adopt the same system of laws, under which they had hitherto lived, and to unite themselves under a common sovereign; but that no act of theirs had ever given a title to that authority, which the British parliament arrogated. That the crown had unjustly commenced its encroachments, by distributing the settlements among its favourites, and the followers of its fortunes; that it then proceeded to abridge the free trade, which the colonies possessed as of natural right, with all parts of

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and that afterwards offices were established to accommodate the ministers and favorites. That during the reign of the sovereign was not only addressed, the violation of rights had become rapid and bold succession; being no longer sudden, that might be ascribed to the accident of the day; but a series of oppressions, pursued through every change of ministers, as to a deliberate and systematical plan, of reducing to slavery. He next proceeds, in a style of narrative, to point out the several acts by which they were enforced, and enters against them a solemn protest. He then considers the conduct of the king, holding an executive authority in the colony, without hesitation, his deviation from the laws, asserts, that by the unjust exercise of his power he had rejected laws of the most salutary

jecting the military to the civil powers, he had expressly made the latter subordinate to the former. That these grievances were thus laid before their sovereign, with that freedom of language and sentiment which became a free people, whom flattery would ill beseem, when asserting the rights of human nature ; and who knew nor feared to say, that kings are the servants, not the proprietors of the people.

In these sentiments, bold as they were, his political associates united with him ; they considered that which was nominally directed against the colonies of New England alone, equally an attack on the liberties and rights of every other province. They resolved that the first of June, the day on which the operation of the Boston port bill was to commence, should be set apart by the members, as a day of fasting, humiliation and prayer ; “devoutly to implore the divine interposition, for averting the heavy calamities which threatened destruction to their civil rights, and the evils of a civil war ; and to give them one heart and one mind, to oppose, by all just and proper means, every injury to American rights.”

Such proceedings greatly exasperated lord Dunmore, the royal governor of the province. He threatened a prosecution for high treason against Mr. Jefferson, who boldly avowed himself the author of the obnoxious pamphlet, and dissolved the house of burgesses, immediately after the publication of their resolution. Notwithstanding these arbitrary measures, the members met in their private capacities, and mutually signed a spirited declaration, wherein they set forth the unjust conduct of the governor, which had left them this, the only method, to point out to their countrymen, the measures they deemed the best fitted to secure their rights and liberties from destruction, by the heavy hand of power. They told

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they could no longer resist the conviction, that a system had been formed to reduce the British America to slavery, by subjecting the colonies to their consent, by closing the port of Boston to a revenue on tea. They therefore struck a close alliance with their sister colonies, formed committees of correspondence, and the annual general congress; earnestly hoping that a system of unconstitutional principles, would not be adopted measures of a character more decisive than in 1775, opened in England, with attempts, at the time, and the enemies of the colonies, to effect. Perhaps the period had passed away, and it was to be expected, from the efforts of the former, that the experiment on their plan was not allowed. The house of lords received, with chilling apathy, the petition submitted by the energy, the patriotism of the British Colonies, and the time

ing indeed some semblance of conciliation, but in fact yielding no single point of that arbitrary system which Great Britain had chosen to adopt, was carried by a large majority, and sent to the governors of the several colonies, with directions to lay it before the respective legislatures. It was at least hoped, that if the scheme did not finally succeed, it might produce disunion or discontent.

On the first of June, 1775, lord Dunmore presented to the legislature of Virginia, the resolution of the British parliament. It was referred immediately to a committee, and Mr. Jefferson was selected to frame the reply. This task he performed with so much strength of argument, enlightened patriotism, and sound political discretion, that the document has been ever considered, as a state paper of the highest order. It is found in most of the histories of that period, and for a work like this, it may be sufficient merely to give the sentence, with which he concludes a series of propositions and an array of facts, alike unanswered and unanswerable.

“These, my lord, are our sentiments on this important subject, which we offer only as an individual part of the whole empire. Final determination we leave to the general congress now sitting, before whom we shall lay the papers your lordship has communicated to us. For ourselves, we have exhausted every mode of application, which our invention could suggest as proper and promising. We have decently remonstrated with parliament, they have added new injuries to the old; we have wearied our king with supplications, he has not deigned to answer us; we have appealed to the native honour and justice of the British nation, their efforts in our favour have hitherto been ineffectual. What then remains to be done? That we commit our injuries to the even handed justice of that Being who doth no wrong.

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beseeching Him to illuminate the councils, and
favours of those to whom America hath co
that through their wise directions, we may
the blessings of liberty, prosperity, and ha
Britain."

erson had been elected, on the twenty-seve
15, one of the members to represent Virgin
congress of the confederated colonies, at
at Philadelphia. When about to leave the c
nce is said to have occurred to him, and t
ad Mr. Lee, his fellow delegates, that conve
of the unbounded confidence, which their
sed in their integrity and virtue. A port
nts, who, far removed from the scenes of
hich were acted in New England, and pur
edly their ordinary pursuits, could form no
rv impending over them, waited on their

like all the other addresses of this congress, was executed with singular ability, and in which it is more than probable, the Virginia delegate took no inconsiderable part.

In July, the resolution of the house of commons for conciliating the colonies, which had been presented to the different legislatures, and to which, as we have already related, Mr. Jefferson had framed the reply of Virginia, was laid before congress. He was immediately named a member of the committee to whom it was referred, and in a few days a report was presented embracing the same general views as his own, and repeating that the neglect with which all our overtures were received, had destroyed every hope, but that of reliance on our own exertions.

On the eleventh of August, Mr. Jefferson was again elected a delegate from Virginia, to the third congress. During the winter, his name appears very frequently on the journals of that assembly, and we find him constantly taking an active part in the principal matters which engaged its attention. He was a member of various committees, but from the information to be obtained on the records of congress, and it is but scanty, his attention seems rather to have been devoted to objects of general policy, the arrangement of general plans and systems of action, the investigation of important documents, and objects of a similar nature, than to the details of active business for which other members could probably be found, equally well qualified.

With the commencement of the year 1776, the affairs of the colonies, and certainly the views of their political leaders, began to assume a new aspect, one of more energy, and with motives and objects more decided and apparent. Eighteen months had passed away, since the colonists had learned by

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ments at Boston, that a resort to arms was beyond the contemplation of the British minister had elapsed, since the fields of Concord had been stained with hostile blood; during the war, armies had been raised, vessels of war had been built, fortifications had been erected, gallant exploits had been performed, and eventful battles had been lost and won; were the provinces bound to their British brethren by a similar allegiance; still did they look upon themselves as members of the same empire, subjects of the same sovereign, and partners in the same constitution; they acknowledged, that the measures they were pursuing were not the result of choice, but the exercise of a duty, resulting from this very situation; that they were engaged in a controversy peculiar to their affections, of which the only object was the preservation of the harmony formerly existing between the two

thinking and the good will not hesitate, when no other means are left to preserve those rights, without which happiness is only a name, they will resort to it as the last resource, after every other expedient has been tried, after long suffering, with hesitation, almost with regret.

Every expedient, however, short of unconditional separation, had now been tried by congress—but in vain. It appeared worse than useless, longer to pursue measures of open hostility, and yet to hold out the promises of reconciliation. The time had arrived when a more decided stand must be taken—the circumstances of the nation demanded it, the success of the struggle depended on it. The best and wisest men had become convinced, that no accommodation could take place, and that a course which was not marked by decision would create dissatisfaction among the resolute, while it would render more uncertain the feeble and the wavering.

During the spring of 1776, therefore, the question of independence became one of very general interest and reflection among all classes of the nation. It was taken into consideration by some of the colonial legislatures, and in Virginia a resolution was adopted in favour of its immediate declaration.

Under these circumstances, the subject was brought directly before congress, on Friday, the seventh of June, 1776. It was discussed very fully on the following Saturday and Monday, and we have already mentioned, that after the debate they came to the determination to postpone the further consideration of it until the first of July following. In the mean while, however, that no time might be lost, in case the congress should agree thereto, a committee was appointed to prepare a declaration, “That these United Colonies are, and of right ought to be, free and independent states ; that they are absolved from

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ce to the British crown ; and that all pol
between them and the state of Great Brit
be, totally dissolved."

mittee consisted of Mr. Jefferson, Mr. J. A
n, Mr. Sherman, and Mr. R. R. Livingston
erson, the chairman of the committee, was
ned the important duty of preparing the dra
ent, for the formation of which they had bee

thus devolved on Mr. Jefferson, was of no
ude ; and required the exercise of no cou
d foresight. The act was one, which in it
operate far beyond the effects of the moment
o indicate, in no small degree, the future to
the great course of policy that were to dire
of a new and extensive empire. Yet it w
rrounded with difficulty and danger—cloud

It was an act which at once involved the dearest and most vital interests of the whole people. It overturned systems of government long established, and sacrificed a trade, already amounting annually to more than twenty millions of dollars. By it the whole nation was to stand or fall ; it was a step that could not be retraced ; a pledge involving the lives, the fortunes, and the honour of thousands, which must be redeemed at the deepest cost of blood and treasure ; it was a measure, supposed to be viewed unfavourably by a very large proportion of those whose interests and happiness were concerned in it, and, as such, a want of prudence in its conduct, as well as of success in its end, would be attended with even more than ridicule or disgrace.

Nor was it in America alone, that its effects would be felt ; it was a document to guide other nations in their course of policy, to turn their attention to our situation, in which there was nothing to dazzle and little to interest, and to bring them if possible into our alliance. As such, it would become a matter of deep reflection by prudent, if not unfeeling statesmen, far removed from the scene of action ; looking upon it without passion ; and forming from it their opinions of our character, and the reliance that might be placed on us. In a word, while it purported to be, as it was, the offspring of injuries unatoned for, and rights wantonly violated, it was to bear the marks of calm heroic devotion, and to show us ardent in the pursuit and preservation of our rights, but cool and deliberate in our plans, slow in undertaking that which was attended with uncertainty and danger, but, once convinced of its necessity, undeviating in our course, and fixed on the object of pursuit.

It presented indeed to the consideration of the world, an object of greater magnitude than had for ages engaged its

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It was no question of insulted flags, or violence; no matter to be traced through the labyrinth, or to be settled by the rules of court etiquette; the manifesto of an ambitious sovereign, who spoke to the world in loud and haughty language, and who, by the accumulation of imaginary grievances, to form a pretext for the violation of plighted faith, and the last resort to arms. It was a solemn declaration of indignant suffering; the result of long and unavailing protest; the just appeal to the sense of justice that was left, after every milder method had been tried in vain.

Such a document, was the effort of no common man; the effort of Mr. Jefferson proved fully equal to the task. It received the immediate approbation and sanction of the Continental Congress; and their opinion has been confirmed by the experience of succeeding years, and of every nation with which we have been known.

On the twenty-eighth of June the Declaration of Inde-

“When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature’s God entitle them, a decent respect to the opinions of mankind, requires that they should declare the causes which impel them to the separation.

“We hold these truths to be self evident—that all men are created equal; that they are endowed by their creator with [certain] *inherent and unalienable* rights; that amongst these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established, should not be changed for light and transient causes; and accordingly, all experience hath shown, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, *begun at a distant period and pursuing* invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards to their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to [alter] *expunge* their former systems of government.

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history of the present king of Great Britain
[repeated] *unremitting* injuries and usurpations
which appears no solitary fact to contradict the
of the rest ; but all have [all having.] in
establishment of an absolute tyranny over
to prove this, let facts be submitted to a
the truth of which we pledge a faith yet un
ed.

has refused his assent to laws the most whol-
sary for the public good.

has forbidden his governors to pass laws of im-
portance, unless suspended in their opera-
tion should be obtained ; and when so sus-
pended neglected to attend to them.

has refused to pass other laws for the accom-
modation of large districts of people, unless those
districts relinquish the right of representation in the

“He has endeavoured to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

“He has *suffered* [obstructed] the administration of justice *totally to cease in some of these states*, [by] refusing his assent to laws for establishing judiciary powers.

“He has made *our* judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

“He has erected a multitude of new offices, *by a self assumed power*, and sent hither swarms of officers to harass our people, and eat out their substance.

“He has kept among us in times of peace, standing armies *and ships of war*, without the consent of our legislatures.

“He has affected to render the military independent of and superior to the civil power.

“He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

“For quartering large bodies of armed troops among us:

“For protecting them, by mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

“For cutting off our trade with all parts of the world:

“For imposing taxes on us without our consent:

“For depriving us, [in many cases,] of the benefits of trial by jury:

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transporting us beyond seas to be tried for pe-

:

lishing the free system of English laws in a
vince, establishing therein an arbitrary go-
vernment, enlarging its boundaries, so as to render it at
and fit instrument for introducing the same
into these *states* [colonies:]

abolishing away our charters, abolishing our most valuable
and altering fundamentally the forms of our go-

vernment, suspending our own legislatures, and declaring
themselves invested with power to legislate for us, in all

our rights, abdicated government here, *withdrawing his*
[himself] declaring us out of his [allegiance and]
and waging war against us:]

plundered our seas, ravaged our coasts, burnt

of their friends and brethren, or to fall themselves by their hands.

“[He has constrained our fellow citizens taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.]

“[He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.]

“He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people, who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of a christian king of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce; and that this assemblage of horrors might want no fact of distinguished dye, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people upon whom he also obtruded them; thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another.

“In every stage of these oppressions, we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince

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ter is thus marked by every act which
nt, is unfit to be the ruler of a [free] pe
be free. *Future ages will scarce believe that*
one man adventured, within the short compa
mly, to build a foundation so broad and w
rranny over a people fostered and fixed in
om.

e we been wanting in attentions to our Br
e have warned them from time to time, o
ur legislature *to extend a jurisdiction over*
o extend an unwarrantable jurisdiction over
inded them of the circumstances of our em
ement here, *no one of which could warra*
ntension: that these were effected at the exp
lood and treasure, unassisted by the wealth
of Great Britain: that in constituting in
rms of government, we had adopted one com

invade and destroy us. These facts have given the last stab to agonizing affection; and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavour to forget our former love for them, and to hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur and of freedom it seems, is below their dignity. Be it so, since they will have it. The road to happiness and to glory is open to us too: we will climb it apart from them, and acquiesce in the necessity which denounces our eternal separation. [We must therefore acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.]

“ We, therefore, the representatives of the UNITED STATES OF AMERICA, IN GENERAL CONGRESS ASSEMBLED, [appealing to the supreme judge of the world for the rectitude of our intentions] do in the name, and by the authority of the good people of these *states* [colonies,] *reject and renounce all allegiance and subjection to the kings of Great Britain, and all others, who may hereafter claim by, through, or under them; we utterly dissolve all political connexion which may heretofore have subsisted between us and the parliament of Great Britain; and finally we do assert* [solemnly publish and declare] that these United Colonies are, [and of right ought to be,] free and independent states; [that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved,] and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this Declaration, [with

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ance on **DIVINE PROVIDENCE,**] we mutually
ch other, our lives, our fortunes, and our s

in mentioned in the life of Richard Henry
original mover of the resolution for ind
sage of deliberative assemblies would have as
he duty of preparing the declaration, had h
. This circumstance, united with a feelin
, and a long co-operation in bringing abou
induced Mr. Jefferson to send Mr. Lee a co
draught as well as of the amendments ma
ese he accompanied with a letter, dated the c
6, in which he says :

ir—For news, I refer you to your brother,
at head. I enclose you a copy of the Declar
ence, as agreed to by the house, and also as

the purpose of arranging with that nation a measure, now become of vital necessity, the formation of treaties of alliance and commerce. But owing at once to his ill health, the situation of his family, and the embarrassed position of public affairs, especially in his own state, he was convinced that to remain in America, would be more useful than to go abroad ; and in a letter to congress of the eleventh of October, he declined the appointment.

From this period, during the remainder of the revolutionary war, Mr. Jefferson chiefly devoted himself to the service of his own state. In June he had been a third time elected a delegate to congress, but in October following, he resigned his situation in that body, and was succeeded by Benjamin Harrison. The object which now chiefly engaged him was the improvement of the civil government of Virginia. In May preceding, immediately on the disorganization of the colonial system, the convention assembled at Williamsburg, had turned their attention to the formation of a new plan of government ; and with a haste, which bespeaks rather the ardour of a zealous and oppressed people for the assertion of their own rights, than the calmness and deliberation that should attend an act, in which their future welfare was so deeply involved, they adopted their constitution in the following month. Mr. Jefferson was at this time absent in Philadelphia, a delegate to congress ; foreseeing the inevitable result of the contest between the colonies and the mother country, he had for a long while devoted much reflection and research to maturing a plan for a new government, and had already formed one, on the purest principles of republicanism. This draught he transmitted to the convention ; but unfortunately, the one that they had hastily framed, had received a final vote on the day it reached Williams-

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debate had already been ardent and protracted, the members were wearied and exhausted, and after many discussions, and adopting entire the masterly propositions of Jefferson had prefixed, it was thought expedient to adhere to the original plan, imperfect as it was acknowledged to be.

Maxims of right and wrong are said very closely connected with each other. An incident in the political history does not invalidate the maxim. In June, 1776, the Declaration had been adopted, breathing in every article the noblest spirit of equal rights, and established on the basis of arbitrary rule. In the following December a proposition was made to establish a dictator, 'who should possess every power, legislative, executive, and judicial; who should be arbitrary, of life and of death, over our persons and properties.' To the wise and good of every party this proposition could not but appear as absurd as it was.

“ The plan of the revision was this. The common law of England, by which is meant that part of the English law which was anterior to the date of the oldest statutes extant, is made the basis of the work. It was thought dangerous to attempt to reduce it to a text : it was therefore left to be collected from the usual monuments of it. Necessary alterations in that, and so much of the whole body of the British statutes, and of acts of assembly, as were thought proper to be retained, were digested into a hundred and twenty-six new acts, in which simplicity of style was aimed at, as far as was safe.”

In the account which Mr. Jefferson has given of this revision of the laws of Virginia, he has, with the modesty of true greatness, suppressed every word which could indicate his own participation in an employment so highly honourable. But it is the duty of those who record the actions of the great, to point out that which their own modesty would conceal. Of the five commissioners, two, George Mason and Thomas Ludwell Lee, took no part in the execution of the task, except in a consultative meeting preliminary to the assignment of the respective portions of the duty to the three others. As regards Mr. Jefferson it should be mentioned, that in addition to the prominent and laborious share which he undertook in the general revision, Virginia owes to his enlightened mind alone, the most important and beneficial changes in her code. The laws forbidding the future importation of slaves ; converting estates tail into fees simple ; annulling the rights of primogeniture ; establishing schools for general education ; sanctioning the right of expatriation ; and confirming the rights of freedom in religious opinion, were all introduced by him, and were adopted at the time they were first proposed, or at a subsequent period ; in addi-

slight sketch; yet to the lawyer, it
be recommended as containing many
legal and political science, and to
accustomed to view this great statesman
of ingenious theories, than a lawgiver
details of government, and the useful
the great exigencies of civil society,
than the most laboured panegyric.

Nor was it in public duties alone that
employed; with a zeal alike honourable
voted his attention to the personal welfare
enemy, whom the chances of war had
reach. It will be recollected, that
prudent to retain in America, the troops
ordered at Saratoga, until an authentic convention,
entered into by the British, was
obtained from his government. In that
thought expedient, to remove them from
the country, and the neighbourhood of
in Virginia, was selected as the place of

There they arrived early in the year
was uncommonly severe; the winter of

adopted every plan to alleviate the distresses of the troops, and to soften as much as possible the hardships of captivity. Their efforts were attended with success. The officers who were able to command money, rented houses and small farms in the neighbourhood, while the soldiers enlarged the barracks and improved their accommodations, so as in a short time to form a little community, flourishing and happy. These arrangements had scarcely been completed, when, in consequence of some powers lodged in them by congress, the governor and council of Virginia determined to remove the prisoners to another part of the state; this intention was heard by the captives themselves with distress, and by those amongst whom they were settled, with regret. Mr. Jefferson immediately addressed a letter to governor Henry, in which he stated in strong and glowing language, the impolicy and impropriety of such a measure. His appeal was successful, and the troops were permitted to remain. Indeed his hospitality and generous politeness to these unfortunate strangers, was such as to secure their lasting friendship and esteem. From them he received many letters, expressing the warmth of their attachment and gratitude; and in his subsequent travels through Europe, when chance again threw him into their society, they loaded him with civility and kindness, and spoke to their countrymen in warm terms of the hospitality of Virginia. When about to leave Charlottesville, the principal officers wrote to him, to renew their thanks, and to bid him adieu; the answer of Mr. Jefferson to one of them has been preserved. "The little attentions," he says, "you are pleased to magnify so much, never deserved a mention or a thought. Opposed as we happen to be in our sentiments of duty and honour, and anxious for contrary events, I shall, nevertheless, sincerely rejoice in every circumstance of happiness and safety which may

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sonally." To another of them he thus wrote: "I have no other amusements which it has been in my power to order to lighten your heavy hours, by no means to equal the acknowledgments you make. Their impression is owing to your extreme sensibility rather than to your thought. When the course of events shall lead you to distant scenes of action, where laurels and the blood of my country, may be gathered, my sincere prayers for your obtaining every honor which may gladden the heart of a soldier, and, should your fondness for philosophy and its ascendancy, is it impossible to hope that your country may tempt your residence, by laurels wherewith to build a fame, founded on the calamities of human nature? If you are, as a philosopher or a soldier, I wish you persue your duties."

of June, 1779, the term for which Mr. Her-

contrived for the destruction of our unhappy citizens, captivated by them. The presentiment of these operations is shocking beyond expression. I pray heaven to avert them; but nothing in this world will do with such an enemy but proper firmness and decision!" This course, for a short time, produced on the part of the enemy an excess of cruelty, especially against the officers and soldiers of Virginia; it was, however, without avail; the measure was the last resort, brought on by a long course of unfeeling conduct, and the only remedy that was left. "There is nothing" said the governor in a letter to one of the prisoners, "you may be assured, consistent with the honour of your country, which we shall not at all times, be ready to do for the relief of yourself and companions in captivity. We know that ardent spirit and hatred for tyranny, which brought you into your present situation, will enable you to bear against it with the firmness which has distinguished you as a soldier, and to look forward with pleasure to the day when events shall take place, against which the wounded pride of your enemies will find no comfort, even from reflections on the most refined of the cruelties with which they have glutted themselves." The policy of the measure was proved by its ultimate success; and the British government, when taught by experience, acknowledged the correctness of a principle they had refused to listen to, when urged only by the dictates of humanity and the usages of civilized society.

In the year 1780, Virginia, which had hitherto been distant from the seat of actual warfare, was threatened with invasion from the south. In the spring, the ferocious Tarleton had made his appearance on her southern borders, marking his path with unusual barbarity. Immediately after him, followed the main army under lord Cornwallis. It was

had been of a kind little likely to fit
mand ; but aware of the importance of
at such a crisis, he bent his mind to the
tune had thrown upon him, with alacrity
intelligence from the southward,"
Washington, on the eleventh June,
defective. Though Charleston has not
the enemy a month, we hear nothing
which can be relied upon. Rumours :
trating northward. To remedy this
diately establish a line of express
neighbourhood of their army, and select
judicious person, to give us information
This intelligence will, I hope, be conveyed
hundred and twenty miles in the twenty
out to their stations to-morrow. I wish
a like speedy line of communication
hence to your excellency's head quarters
information of what is passing in the
your power perhaps to frame your mea
is really nothing to oppose the progress
ward, but the cautious principle of the

and are assembled for the march of two thousand five hundred men under general Stevens, of Culpepper, who will move on the nineteenth instant. I have written to congress to hasten supplies of arms and military stores for the southern states, and particularly to aid us with cartridge paper and boxes, the want of which articles, small as they are, renders our stores useless. The want of money cramps every effort. This will be supplied by the most unpalatable of all substitutes, force. Your excellency will readily conceive, that after the loss of one army, our eyes are turned towards the other, and that we comfort ourselves with the hope, that if any aids can be furnished by you, without defeating operations more beneficial to the union, they will be furnished. At the same time, I am happy to find that the wishes of the people go no further, as far as I have an opportunity of learning their sentiments. Could arms be furnished, I think this state and North Carolina would embody from ten to fifteen thousand militia immediately, and more, if necessary. I hope ere long to be able to give you a more certain statement of the enemy's, as well as our own situation."

The legislature, becoming fully aware of their danger, adopted the most vigorous measures for the increase and support of the southern army. They conferred on the governor new and extraordinary powers; and that officer exerted himself in every mode, which ingenuity could suggest, to ward off the approaching danger.

While however all eyes were turned to the south, a sudden attack in another quarter was the more disastrous, as it was the less expected.

Arnold, whose treachery seems to have increased the natural daring and recklessness of his temper, aware of the unprotected situation of Virginia on the sea board, formed a

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attack on that quarter. He set sail from sixteen hundred men, and supported by a number of vessels, ascended James river, and landed below Richmond. All the militia of the state supplied with arms, had been already collected in the neighbourhood of Williamsburg, by general Nelson. This event seemed to leave him almost without resource; he saw the distance of the capital of the state, which was threatened; he collected hastily about two hundred militia, whom he placed under the command of general Nelson, for the purpose of protecting the removal of the public and military stores across James river. He directed their movements in person with the greatest care, and prudence; and he was seen coolly in the town, until the enemy had actually entered the town, and begun to flank it with their

done, though perhaps not quite so easily. Having peculiar confidence in the men from the western side of the mountains, I meant, as soon as they should come down, to get the enterprise proposed to a chosen number of them, such whose courage and whose fidelity would be above all doubt. Your perfect knowledge of those men personally, and my confidence in your discretion, induce me to ask you to pick from among them, proper characters, in such numbers as you think best, to reveal to them our desire, and engage them to undertake to seize and bring off this greatest of all traitors. Whether this may be best effected by their going in as friends, and awaiting their opportunity, or otherwise, is left to themselves. The smaller the number the better, so that they may be sufficient to manage him. Every necessary caution must be used on their part, to prevent a discovery of their design by the enemy. I will undertake, if they are successful in bringing him off alive, that they shall receive five thousand guineas reward among them; and to men formed for such an enterprise, it must be a great incitement to know that their names will be recorded with glory in history, with those of Vanwert, Paulding and Williams. The enclosed order from Baron Steuben will authorize you to call for, and to dispose of any force you may think necessary to place in readiness, for covering the enterprise and securing the retreat of the party. Mr. Newton, the bearer of this, and to whom its contents are communicated in confidence, will provide men of trust, to go as you please; but let the point be previously: no difficulty may arise as to the parties entitled to in the reward. You know how necessary profound is in this business, even if it be not undertaken " found without difficulty, bold enough and n

general Washington and the French at Rhode Island, were to sail immediately to prevent the escape of the enemy by sea; troops should be collected on shore, foraging them, and ultimately compelling their surrender. On the eighth of March, Mr. Jefferson thus wrote in chief: "We have made on our march the same progress as in the winter, which we were able to make. The rate, will be upwards of four thousand a day, one thousand or twelve hundred from the sea, under general Gregory. The enemy are in a great measure, blockaded by land, the French on the east side of Elizabeth river. They are afraid to venture far, lest they should be in the neighbourhood, and if it possible to block up the river, a little will reduce them by want and desertion: more sure in its event than any attempt by sea. A fleet, however, encountered, on their part, would make a British squadron of equal force, which they were driven back; by the defeat of the French, and Arnold's success."

quarters, her resources had been exhausted to supply other states, and she was alike destitute of military stores, and of funds to obtain them. The whole burden of affairs, too, had been thrown on the governor; the legislature had hastily adjourned, on the invasion of Arnold in January, to meet again at Charlottesville on the twenty-fourth of May; in the mean time he had no resource, but to make the best of the means which providence had given him, and to depend on that good fortune which had already so often befriended his country, at moments the most gloomy and unpromising. To resist invasion, the militia was his only force; and the resort even to this, was limited by the deficiency of arms. He used every effort, however, to increase its efficacy. When it was sent into the field, he called into service a number of officers who had resigned, or been thrown out of public employment by reductions of continental regiments for want of men, and gave them commands; an expedient, which, together with the aid of the old soldiers scattered in the ranks, produced a sudden and highly useful degree of skill, discipline, and subordination. Men were draughted for the regular regiments, and considerable detachments of the militia were sent to the south, and a number of horses, essentially necessary, were rapidly obtained by an expedient of Mr. Jefferson's. Instead of using a mercenary agency, he wrote to an individual, generally a member of assembly, in each of the counties where they were to be had, to purchase a specified number with the then expiring paper money. This expedient met with a success highly important to the common cause. Nor was it sufficient to protect his own state alone; aid was demanded for the Carolinas, and this, though increasing the destitution and distress at home, was furnished to a very considerable extent. At length, however, exhausted

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s to aid her sister states, almost stript of
ney, and harassed on the east and on the
ble invasions, Virginia appeared at last wi

ite of things, the twenty-fourth of May ar
oot until the twenty-eighth that the legis
at Charlottesville, to proceed to business.
governor addressed the following letter
in chief; the general view which it prese
a of the state, and the personal feelings o
ve it an importance, more than sufficient to
its length.

just been advised," he writes on the twenty-
that the British have evacuated Petersburg
considerable re-enforcement from New York
ies river at Westover. They were, on the tw
t, three miles advanced towards Richmo

from this state of things, and from what you know of your own country, what it may probably suffer during the present campaign. Should the enemy be able to obtain no opportunity of annihilating the marquis's army, a small proportion of their force may yet restrain his movements effectually, while the greater part is employed in detachments to waste an unarmed country, and lead the minds of the people to acquiesce under those events, which they see no human power prepared to ward off. We are too far removed from the other scenes of war, to say whether the main force of the enemy be within this state; but I suppose they cannot any where spare so great an army for the operations of the field. Were it possible for this circumstance to justify in your excellency, a determination to lend us your personal aid, it is evident from the universal voice, that the presence of their beloved countryman, whose talents have so long been successfully employed in establishing the freedom of kindred states, to whose person they have still flattered themselves they retained some right, and have ever looked upon as their *dernier resort* in distress; that your appearance among them, I say, would restore full confidence of salvation, and would render them equal to whatever is not impossible. I cannot undertake to foresee and obviate the difficulties which lie in the way of such a resolution. The whole subject is before you, of which I see only detached parts; and your judgment will be formed on a view of the whole. Should the danger of the state, and its consequence to the union, be such as to render it best for the whole, that you should repair to its assistance, the difficulty would then be how to keep men out of the field. I have undertaken to hint this matter to your excellency, not only on my own sense of its importance to us, but at the solicitation of many members of weight in our legislature, which has

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abled to speak its own desires. A few days w
that relief, which the constitution has prepar
dressed with the labours of my office ; and a lo
olution of relinquishing it to abler hands, I
way for retirement to a private station ; st
ual, I should feel the comfortable effects of yo
I have (what I thought could not have been)
otive for that gratitude, esteem, and respe
long felt for your excellency."

cond of June, the term for which Mr. Jeffers
ted expired, and he returned to the situation
zen, after having conducted the affairs of I
h a period of difficulty and danger, without a
s preceding or subsequent history, and with
energy that might have gained him more fan
been less unpropitious, but which from that ve
een and will be more appreciated and honour
times.

lottesville was soon conveyed thither, the distance between the two places being very short. Mr. Jefferson immediately ordered a carriage to be in readiness to carry off his family, who, however, breakfasted at leisure with some guests. Soon after breakfast, and when the visitors had left the house, a neighbour rode up in full speed, with the intelligence that a troop of horse was then ascending the hill. Mr. Jefferson now sent off his family, and after a short delay for some indispensable arrangements, mounted his horse, and taking a course through the woods, joined them at the house of a friend, where they dined. It would scarcely be believed by those not acquainted with the fact, that this flight of a single and unarmed man from a troop of cavalry, whose whole legion, too, was within supporting distance, and whose main object was his capture, has been the subject of volumes of reproach, in prose and poetry, serious and sarcastic.

In times of difficulty and danger, it is seldom that the actions of the wisest and the best can escape without censure. Where they are not the marks of malevolence, they are yet dwelt on with morbid distrust by the discontented and the timid; they are contrasted by every speculative reasoner, with the fanciful schemes which his own imagination has suggested; and if they do not chance to be crowned with unexpected success, the failure is attributed to intrinsic weakness, rather than to unavoidable accident. In the preceding pages of this memoir, a rapid, and indeed an insufficient sketch has been recorded of the public acts of Mr. Jefferson, during the singularly eventful period in which he was placed at the head of the government in Virginia. The truth of those facts may be relied on. From them, a reader of the present day, far removed from the bustle and feelings of the times, may form a calm judgment of the principles

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of the man, when placed in this station of utility. There is little danger in asserting, that the sentiment will be as favourable to the zeal and talents of the man, as it will be honourable to the feelings of the man. It would, therefore, seem altogether unnecessary to record imputed errors and unfounded charges to him, which have passed into oblivion by the lapse of years, were it not in some degree a duty, now required by the events which, in their own day at least, demanded considerable attention.

The session of the legislature at Staunton, was attended by a number of members who had not been present at Richmond at the time of Arnold's incursion. One of these, Mr. Nicholas, actuated, it is said, by no unkind feelings, but by a patriotism somewhat too warm, he acknowledged with a patriotism somewhat too warm, he accused the late governor of great remissness in his conduct on that occasion, and moved for an inquiry into the matter. To this, neither Mr. Jefferson nor

concluded, than the house passed unanimously the following resolution :

“ Resolved, That the sincere thanks of the general assembly, be given to our former governor, Thomas Jefferson, for his impartial, upright, and attentive administration whilst in office. The assembly wish, in the strongest manner, to declare the high opinion they entertain of Mr. Jefferson’s ability, rectitude, and integrity, as chief magistrate of this commonwealth, and mean, by thus publicly avowing their opinion, to obviate and to remove all unmerited censure.”

It is due to Mr. Nicholas to state, that in a publication some time afterwards, he made an honourable acknowledgment of the erroneous views he had entertained on the subject. The same candour has not marked all the opponents of Mr. Jefferson ; but we are not, however, now to learn, that in the violence of political asperity, circumstances long proved, and generally acknowledged to be incorrect, are brought forward with no inconsiderable effrontery, and the mild and virtuous must be content to wait until time has swept away the fabrications and assertions of faction, and confirmed that which is founded in honesty and truth.

Mr. Jefferson has already appeared before us, as a writer of no ordinary talents ; but it has been in one point of view solely, that of a politician. Great as were his skill and knowledge as a statesman, and active as were his labours for the public good, we find him in the year 1781, snatching sufficient leisure, amid the tumult and confusion of politics and war, to compose a work devoted exclusively to science. M. De Marbois, the secretary of the French legation in the United States, at the suggestion it is supposed of

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...t, proposed to Mr. Jefferson a number of ques-
...e to the state of Virginia, embracing a general
...geography, natural productions, statistics, go-
...story, and laws. To these, Mr. Jefferson return-
...full of learning and research ; so much so, that
...n to whom they were addressed, found it neces-
...a few copies printed in the French language,
...clusively, however, of his friends, among whom
...ad excited great interest. From one of these
...nslation was surreptitiously made into English;
...uced Mr. Jefferson at length, in the year 1787,
...e work himself, under the simple title it still re-
...otes on Virginia." The principal charms of this
..., are the unpretending simplicity of its style, and
...of its information. After a lapse of more than
...we are surprised at the slow advances we have
...subjects of which it treats ; and when we reflect
...state of the country at that period, the compara-

thrown aside for a moment, the sword and the portfolio, to amuse himself in the more congenial investigations of science. The refutation of absurdity, has often proved the mother of wisdom; the wild visions of Fulmer, produced the matchless dissertations of Locke. In the interesting picture of Indian habits and manners; the records of their untutored eloquence; the vindication of their bravery, their generosity, and their virtue—in the delineation of the character, the fidelity, the kindly feelings of the enslaved negro race, whose champion he ever was, alike in the times of colonial subjection, and of established freedom—in his investigations relative to religious and political liberty—in his researches in science, philosophy, and antiquity, every reader will find a great deal to instruct and amuse. He will not perhaps regret, that he chose public life as the great theatre of his ambition, but he will acknowledge, that his fame would probably have been as great, in the more peaceful pursuits of science.

About the close of the year 1782, Mr. Jefferson was appointed a minister plenipotentiary, to join the commissioners in Europe, who were to determine on the conditions of a treaty of peace, which it was expected would soon be entered into. In December he arrived at Philadelphia, in order to embark. Congress immediately ordered, that during his stay in that city, he should have full access to the archives of the government.

The minister of France offered him the French frigate *Romulus*, which was then at Baltimore, for his passage; but, before the ice would permit her to leave the port, intelligence was received that preliminaries of peace between the United States and Great Britain had been signed. Mr. Jefferson wrote to congress from Baltimore,

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whether the occasion of his services was
they, of course, dispensed with his lea

ixth of June, 1783, Mr. Jefferson was a
egate to congress, from the state of Virg
ot take his seat in that body until the fo
r following. The part which he immedi
f course a prominent one, and we find him
d in all the principal measures that occu
attention. Early in December, letters
m the commissioners in France, accompa
fnitive treaty between the United States
in, which had been signed at Paris on
tember. They were immediately referred
of which Mr. Jefferson was chairman. On
January, 1784, on the report of this commit
as unanimously ratified, thus putting an en
struggle between the two countries, and conf

United States. Being appointed chairman of a committee, to which was assigned the task of forming a plan for the temporary government of the Western Territory, he introduced into it the following clause: "That after the year 1800 of the Christian æra, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been convicted to have been personally guilty." When the report of the committee was presented to congress, these words were, however, struck out.

On the seventh of May, congress resolved that a minister plenipotentiary should be appointed, in addition to Mr. Adams and Dr. Franklin, for the purpose of negotiating treaties of commerce. To this office Mr. Jefferson was immediately elected, and orders were issued to the agent of marine, to provide suitable accommodations for his passage to Europe.

In July, he sailed from the United States, and joined the other commissioners at Paris, in the following month. Full powers were given to them, to form alliances of amity and commerce with foreign states, and on the most liberal principles. In this useful design, they were occupied for a year, but not with the success that congress had anticipated; they succeeded in their negotiations, only with the governments of Morocco and Prussia. The treaty with the latter power is so remarkable for some of the provisions it contains, that it may be looked upon as an experiment in diplomacy and national law. By it, blockades of every description were abolished, the flag covered the property, and contrabands were exempted from confiscation, though they might be employed for the use of the captor, on payment of their full value. This, it is said, is the only convention ever made by Ame-

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th the latter stipulation is introduced, nor is it
ist in any other modern treaty.

at Britain, also, a negotiation was attempted, but
ess. The treaty of the preceding year had indeed
ever the bands by which the two countries were
he ties of consanguinity, religion, manners, and
nterest, seemed to point out by nature, an alli-
at more intimate, than that which usually exists
ependent states. It was known too that soon
liminary articles of peace had been concluded,
e young chancellor of the exchequer, with the
our of youth, and a political sagacity not yet
national selfishness, or absorbed by more en-
ns of infinitely less general utility, had intro-
e house of commons a bill for regulating the
etween the two nations, on principles of recipro-
which would have gone far to establish between
relations of peace and prosperity. It is true,

affairs, injured as they had been by a long and unsuccessful war; or what is most probable, from a determination to support the selfish regulations of the navigation system, from which she had been somewhat driven by the apprehension of injury to her commerce, in consequence of the revolution, but to which she joyfully returned on perceiving the weakness of the confederation, the discordant plans of the several states, and the interest she had succeeded in establishing; from one or all of these causes, for several years after the treaty of independence, Great Britain does not appear to have bestowed much attention on her intercourse with America. Every attempt to procure a conference was evaded, the period for which the general commission was issued, was on the eve of expiring, and after a fruitless visit of seven weeks to London, Mr. Jefferson returned to Paris.

On the tenth of March, 1785, Mr. Jefferson was unanimously appointed by congress, to succeed Dr. Franklin as minister plenipotentiary at the court of Versailles; and on the expiration of his commission in October, 1787, he was again elected to the same honourable situation. He remained in France until October, 1789.

The eminent rank which Dr. Franklin had obtained as a philosopher, before he was appointed a commissioner to Paris, had in no small degree facilitated his introduction there, and greatly aided the success of his political mission; that a man of such acknowledged distinction in science, should have been produced by these states, gave them a character beyond that usually bestowed on the colonists of a remote and unknown country, and strongly contributed to bring them forward into the rank of nations. These features of Dr. Franklin's character, were eminently supported by Mr.

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and it was certainly no common circumstance when the spirit of political and philosophy, especially so far as it applied to the state, made such rapid advances, and produced great men, a country scarcely yet heard of could furnish such practical lessons in the preservation of liberty, and two men so fitted by the congeniality of their dispositions, to most distinguished statesmen and philosophers.

When Jefferson resided in France, he was engaged in diplomatic negotiations of considerable importance, though not of sufficient general interest to form a lengthened recital. The great questions so long occupied the public mind, were fit subjects for the attention of the most thoughtful, affecting as they were the destiny of nations and the fate of empires; but they arise out of the interpretation of treaties.

whale oil, salted fish, and flour; and of the two latter articles into the French West India islands.

During the period of his ministry, Mr. Jefferson took advantage of the leisure he occasionally enjoyed to make an excursion to Holland, and another to Italy. Each offered a useful lesson to a philosopher and statesman, the representative of a young and rising nation. The one displayed the successful efforts of patient industry, gradually removing the difficulties which nature had created and neglect increased. In the fair clime and fertile soil of the other, he saw that arbitrary power changes the field of plenty to a desert, and that though the Italian might look round on the stupendous ruins which proclaimed at once the power and the freedom of his ancestors, he had inherited nothing of their lofty spirit, but was rather a stranger, wandering amid the relics of foreign grandeur, than the descendant of a nation whose humblest citizens were mightier than kings. It was, however, in the gaiety, the learning, the taste, elegance, and hospitality of Paris, that he found pleasures most congenial to his disposition. Years had passed away, loaded with public cares, since he had indulged in those pursuits, which formed so favourite an occupation for his mind; and now, placed at once in the midst of learning and elegance, admired for his genius, beloved for his modesty and kindness, received with open arms by the men whose names were most conspicuous for their talents and virtues, it will be readily believed, that he enjoyed the new scene around him with peculiar interest. The Abbé Morrellet translated his little work on Virginia, Condorcet and D'Alembert claimed him as their friend, and he was invited and welcomed among the literary institutions and circles of Paris. His letters, written at this time to his friends in America, display the versatility of his genius, and

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he constantly bestowed on whatever was embellish or benefit society. Perhaps, indeed, in not unprosperous life, he would have fix period of greatest enjoyment; as a state he was honoured, respected, and loved; of he had enough to supply his wants and g; in the prospect of the future there was is present happiness, while it was surrou certainty which ever attends the most succe of public life.

ile Mr. Jefferson was in France, that the his country, for want of a general govern and more felt; they were greatly increas of treaties abroad, which might have gi our foreign relations, that could scarcely l e the states presented a social form so l he federal constitution, therefore, had been fi eral conviction of its necessity. But, ho

ject, far better than any abridgment of them would do, no apology is necessary for inserting it at length.

“ I like much,” he says, “ the general idea of framing a government which should go on of itself peaceably, without needing continual recurrence to the state legislatures. I like the organization of the government into legislative, judiciary, and executive. I like the power given the legislature to levy taxes, and for that reason solely, I approve of the greater house being chosen by the people directly : for though I think a house so chosen will be very far inferior to the present congress, will be very illy qualified to legislate for the Union, for foreign nations, &c. yet this evil does not weigh against the good of preserving inviolate the fundamental principle, that the people are not to be taxed but by representatives chosen immediately by themselves. I am captivated by the compromise of the opposite claims of the great and little states, of the latter to equal, and the former to proportional influence. I am much pleased, too, with the substitution of the method of voting by persons instead of that of voting by states ; and I like the negative given to the executive conjointly with a third of either house, though I should have liked it better had the judiciary been associated for that purpose, or invested separately with a similar power. There are other good things of less moment. I will now tell you what I do not like. First, the omission of a bill of rights, providing clearly, and without the aid of sophisms, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in matters of fact, triable by the laws of the land, and not by the law of nations. To say, as Mr. Wilson does, that a bill of rights was not necessary, because all is

one from the body of the instruction of the clause of our present made the reservation in express conclude, because there has been a w the states as to the cases triable by j been so incautious as to dispense wi certain cases ; therefore, the more pr duced to the same level of calamity much more just and wise to have co that, as most of the states had prese sacred paladium of liberty, those who be brought back to it ; and to have e rather than general wrong. For I established, which may be establish nothing which another has a right to gress will have a right to take away ti cases. Let me add, that a bill of right entitled to against every government o ticular ; and what no just governmen on inferences.

“The second feature I dislike, and abandonment, in every instance, of tl

the head of our affairs, that they will interfere, with money and with arms. A Galloman or an Angloman will be supported by the nation he befriends. If once elected, and at a second or third election outvoted by one or two votes, he will pretend false votes, foul play, hold possession of the reins of government, be supported by the states voting for him, especially if they be the central ones, lying in a compact body themselves, and separating their opponents, and they will be aided by one nation in Europe, while the majority are aided by another. The election of a president of America, some years hence, will be much more interesting to certain nations of Europe, than even the election of a king of Poland was.

“ Reflect on all the instances in history, ancient and modern, of elective monarchies, and say if they do not give foundation for my fears—the Roman emperors, the popes, while they were of any importance, the German emperors, till they became hereditary in practice, the kings of Poland, the deys of the Ottoman dependencies. It may be said, that if elections are to be attended with these disorders, the seldomer they are repeated, the better. But experience says, that, to free them from disorder, they must be rendered less interesting by a necessity of change. No foreign power, nor domestic party, will waste their blood and money to elect a person who must go out at the end of a short period. The power of removing every fourth year by the vote of the people, is a power which they will not exercise; and if they were disposed to exercise it, they would not be permitted. The king of Poland is removable every day by the diet, but they never remove him, nor would Russia, the emperor, &c. permit them to do it. Smaller objections are, the appeal on matters of fact as well as law; and the binding all persons,

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executive, and judiciary, by oath to maintain. I do not pretend to decide what would be the best method of procuring the establishment of the amendments in this constitution, and getting rid of the defects. I shall have been duly weighed and canvassed after seeing the parts they generally dislike, and the parts they generally approve, to say to them, 'we see that you wish to give to your federal government such and such powers; but you wish at the same time to secure such and such fundamental rights secured to you; the sources of convulsion taken away; be it so, then, let your deputies again, let them establish your government by a sacrosanct declaration, and let them put in force the constitution you have approved. These will be sufficient for your federal government sufficient for your needs. This is what might be said, and would probably procure a more perfect, and more permanent form of government.'

in a century and a half. No country should be so long without one, nor will any degree of power in the hands of government prevent insurrections. In England, where the hand of power is heavier than with us, there are seldom half a dozen years without an insurrection. In France, where it is still heavier, but less despotic, as Montesquieu supposes, than in some other countries, and where there are always two or three hundred thousand men ready to crush insurrections, there have been three in the course of the three years I have been here, in every one of which greater numbers were engaged than in Massachusetts, and a great deal more blood was spilt. In Turkey, where the sole nod of the despot is death, insurrections are the events of every day. Compare again the ferocious depredations of their insurgents with the order, the moderation, and the almost self-extinguishment of ours, and say, finally, whether peace is best preserved by giving energy to the government, or information to the people. This last is the most certain, and the most legitimate engine of government. Educate and inform the whole mass of the people, enable them to see that it is their interest to preserve peace and order, and they will preserve it; and it requires no very high degree of education to convince them of this; they are the only sure reliance for the preservation of our liberty. After all, it is my principle that the will of the majority should prevail. If they approve the proposed constitution in all its parts, I shall concur in it cheerfully, in hopes they will amend it, whenever they shall find it works wrong. This reliance cannot deceive us, as long as we remain virtuous; and I think we shall be so, as long as agriculture is our principal object, which will be the case while there remain vacant lands in any part of America. When we get piled upon one another in large cities, as in Europe,

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come corrupt as in Europe, and go to eating and drinking as they do there. I have tired you by this time with what you have already heard repeated by others a thousand times, and therefore shall only express my esteem and attachment."

In the month of October, 1789, Mr. Jefferson obtained leave for a short time, and returned to the United States. While he was abroad, the federal constitution, the principles of which we have mentioned, and relative to which were his views, had been regularly ratified by the thirteen states, general Washington had been unanimously elected to the presidential chair, and the new government had been successfully organized. In filling the offices, the president had, with that wisdom which characterized the acts of his public life, carefully selected those who, from their previous employments, rendered them peculiarly qualified for the duties of the stations to which they were

peculiar situation of the government, was the difficulty of the task assumed by Mr. Jefferson. The subsequent events of his political life have been tinged by the hue of party, and perhaps the time has not arrived when we can view them with strict impartiality, and weigh the policy of his measures, without dwelling too much on circumstances merely temporary or local. But all unite in the candid acknowledgment, that the duties of this station were performed with a prudence, intelligence, and zeal, honourable to himself, and useful to his country. In the intercourse with foreign nations, the laws of a strict neutrality, at a period of peculiar difficulty, were maintained with unyielding firmness and consummate ability; the dignity of the nation was remembered and supported; and the interests of the citizens were cherished and protected. At home, he turned his attention to objects of a minuter character, but of equal importance; he laid before congress, from time to time, reports on various branches of domestic policy, which displayed at once the extent and variety of his genius, the depth of his information, and the zeal with which he applied them both to the peculiar duties of his situation. It has been observed, that these papers evince not only the feelings of a patriot and the judgment of an accomplished statesman, but display, at the same time, uncommon talents and knowledge as a mathematician and natural philosopher, the deepest research as an historian, and even an enlarged and intimate acquaintance with the business and concerns of a merchant.

Mr. Jefferson had scarcely entered on his office, when congress referred to him a subject whose nature and importance called for the exercise of a mature judgment, while its intricacy was such, as to require in the investigation, more than ordinary scientific knowledge. They directed him to

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report a plan, for establishing a uniform system of weights, and measures. This was a subject as admitted on all hands, demanded very serious consideration. It had already attracted the notice of the most civilized European nations; and a partial experiment in that of the public currency, had been received in the United States, with general approbation and success. The established system of weights and measures, was alike inconvenient and absurd. In feudal ignorance, when the sallies of passion, of unrestrained ambition, or the gratification of reigning caprice, were all that a monarch asked of his laws, it was at least not incongruous that the length of his arm or foot should regulate the measures of the nation. But the necessities of commercial intercourse, seem to demand a scale more uniform and convenient; while the improvements of

cies, and the extreme ease, and trifling variation, with which it may be rendered uniform and stable. But, in the second place, he proceeds to say, "if it be thought, that either now or at any future time, the citizens of the United States may be induced to undertake a thorough reformation of their whole system of measures, weights, and coins, reducing every branch to the same decimal ratio already established in their coins, and thus bringing the calculation of the principal affairs of life within the arithmetic of every man who can multiply and divide plain numbers, greater changes will be necessary."

These changes he points out briefly and distinctly; as being such as are easy of introduction, and useful both to the citizens of our own and foreign countries. "A gradual introduction," he concludes, "would lessen the inconveniences which might attend too sudden a substitution, even of an easier, for a more difficult system. After a given term, for instance, it might begin in the custom-houses, where the merchants would become familiarized to it. After a further term, it might be introduced into all legal proceedings; and merchants and traders in foreign commodities might be required to use it in their dealings with one another. After a still further term, all other descriptions of people might receive it into common use. Too long a postponement, on the other hand, would increase the difficulties of its reception with the increase of our population."

This valuable document is still before the country. A cautious deliberation, a natural attachment to long established usage, a deference to existing prejudices, perhaps the acknowledged difficulties in every system, have hitherto prevented any change in the existing laws; but the subject has demanded, and so often received, during half a century, the

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distinguished philosophers and enlighten-
ed men in this country, and in France, England,
and elsewhere, the hope does not appear altogether ground-
less. By their mutual efforts, a grand, useful
system may be formed. Whether this be the case or not, how-
ever, the views of Mr. Jefferson will never be
abandoned by his own countrymen, and that an im-
provement will not be relinquished, from a fear that
it is so firmly fixed as to preclude its introduc-
tion, after the failure of a similar attempt in France.
The argument against it; the scheme was there, and
the advocates of the revolutionary government, blind
to the less necessary and judicious, precipi-
tantly and carelessly abandoned; it was intro-
duced into a people brought up in the midst of ancient pre-
judices, comparatively ignorant and unenlightened, who
were attached to the old customs, and held in reverence many of the

house of representatives, embracing a discrimination in these duties highly favourable to France. The principle thus adopted, coincided with the general sentiments of the nation, and appeared to be called for, not by this circumstance only, but by the strongest dictates of national gratitude, as well as those of sound policy. The discrimination, however, was rejected by the senate, and the house of representatives were obliged reluctantly to yield. What it was thus deemed inexpedient to grant, even as a matter of favour or policy, the French government demanded as a right, under the treaty of amity and commerce of 1778. The demand was referred to Mr. Jefferson, by the president, and elicited from him the able report to which we have alluded. In this he clearly proved, that the article of the treaty on which the French government founded their claim, was evidently meant to extend no further than to the exemption of the United States from a duty from which other favoured nations were also exempted, and that in return France could claim of our government, no greater advantages than favoured nations also received from us. That if the article in question had a more extended relation, it applied reciprocally to each government, and would lead to the mutual abolition of duties, highly useful to both, and to consequences in which it was hardly conceivable, that either party could see its interest. But he appears to incline to the opinion, that if France persisted in claiming this exemption, there were extrinsic causes which might justify, and even render advisable, some relaxation in her favour ; not on the grounds on which it was demanded, but from the effect it would have on the finances, revenue, and commerce of our own country. This report, the president immediately submitted to the senate of the United States.

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foreign relations of the country, were not the only subjects on which the opinions of congress were divided, during the session of 1791. The secretary of the treasury, in his celebrated system of finance, had recommended the establishment of a national bank, as necessary to a prosperous administration. A bill, conforming to the suggestions, was sent down from the senate, and proceeded unmolested, in the house of representatives, to a third reading. On the final question, however, it was opposed, and it would seem an unexpected opposition to its passage; and after a debate of considerable length, which was supported on both sides with ability, and ardour which was naturally excited by the importance of the principle in contest, the bill was put, and the bill carried in the affirmative by a majority of nineteen voices.

The subject, which had been agitated with so much zeal and interest by the representatives, was examined not less deli-

even if a free interpretation of the constitution, seemed to authorize that which was no where expressly allowed, it was still better for those who were exerting merely a delegated power, to confine themselves within limits which were well known, and where their power was universally acknowledged, than to assume as a right, what was at least considered as doubtful, by a large and intelligent portion of their constituents.

The views of the secretary of the treasury were equally decided, in favour of the establishment. The president, after receiving their opinions, weighing their reasons, and examining the subject, deliberately made up his mind in favour of the constitutionality of the law, and gave it the sanction of his name. This circumstance, together with the renewal of the charter of the bank, at a subsequent period, may perhaps be considered sufficient, to settle the legality, as well as the policy, of the measure; yet none will regret that it was adopted with so much hesitation, and that it led to so serious a discussion of the fundamental principles of our government. It was a matter of high importance, at that early period, when experience had afforded no lessons, when the remote effects and bearings of any act were unknown, and when the people were naturally and properly jealous of the slightest infringement of the rights they had reserved, that nothing which could be construed, even by the ignorant, into the unwarranted assumption of power, should be done without the utmost calmness, inquiry, and deliberation.

On the first of February, 1791, Mr. Jefferson presented to the house of representatives, an elaborate and valuable report, on the subject of the cod and whale fisheries. Before the revolution, a large number of seamen, and a great amount of tonnage, were successfully employed in this trade; but

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war it had been almost annihilated, and no immediate and efficient aid of the government.

It was too valuable to be neglected. Its preservation was of vital and ac-
tance. It afforded employment and subsis-
tants of a sandy and rocky district, who had
griculture; by augmenting the quantity of fo-
prices of all the necessaries of life, and the
condition of the labouring classes, especial-
ly; it was the means of rearing and support-
of men, useful alike in extending and defe-
ence of the country, as it afforded a sure nurse-
men, both for the public vessels, and the ra-
rade of the United States; an object of im-
portance when the scarcity of labour, and the readi-
ness of employment could be found, in less arduous
taken into view. Impressed with these con-

utility of these measures was acknowledged, and the adoption of this policy has secured to us a branch of trade and domestic enterprise, which cannot be too highly appreciated.

Towards the close of this year, 1791, Mr. Jefferson became involved in a discussion with Mr. Hammond, the British minister, of considerable length and importance. It arose, in the first instance, out of the provisions in the original treaty of peace, between the United States and Great Britain. Soon after the termination of the war, each party had charged the other with a violation of its engagements. The charge could not be entirely controverted by either. At length, however, the opening of a diplomatic intercourse, by the reception of Mr. Hammond and the appointment of Mr. Pinckney, seemed to afford a proper opportunity for bringing these differences to a close, and for fixing the principles, which might serve as the basis of a definitive commercial arrangement between the two countries. Accordingly, soon after the arrival of the British minister, Mr. Jefferson called his attention to the seventh article of the treaty, which contained stipulations against carrying away negroes or destroying any American property, and secured the removal or evacuation by the British forces of all posts within the limits of the United States. To this letter Mr. Hammond promptly replied, that his government had only been induced to suspend the execution of that article, by the non-compliance of the United States with the engagements they had made, in the same treaty, to secure the payment of debts justly due to British creditors, and to stop all confiscations and prosecutions against British subjects. This was followed on both sides, by an exposition of the various circumstances relied on to support the grounds

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rances received from you of his Britannic Majesty's desire to remove every occasion of misunderstanding from between us, that an end will now be put to the disquieting situation of the two countries, by as complete execution of the treaty as circumstances render practicable at this late day. That it is to be done so late, has been the source of heavy losses of blood and treasure to the United States. Still our desire of friendly accommodation is, and has been constant. These difficulties being removed from between the two nations, I am persuaded the interests of both will be found in the strictest friendship. The considerations which lead to it, are too numerous and forcible to fail of their effect; and that they may be permitted to have their full effect, no one wishes more sincerely than myself." To this letter no reply was ever received; and although the subject was from time to time renewed, it seems to have been attended with no other result, than confirming each party in its original impressions. The whole controversy was finally merged in the more important differences which afterwards arose between the two countries, and was incorporated at length in the definitive negotiations which terminated in the treaty of 1794.

Nor was Great Britain the only country, with which the United States were, about this time, involved in a controversy of much delicacy and importance. As early as the revolutionary war, the Spanish government appears to have contemplated, with considerable apprehension, the probable future strength of the new republic, and to have strongly desired to restrain it, within the most confined limits, towards the south and west. After the conclusion of the war, attempts to form a treaty had been repeatedly made, but without any advance towards an agreement, on the point of differ-

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the two countries. These points were chief of our boundaries, the exclusion of our citizens from the Mississippi below our southern limits, the exclusion of our citizens from trade with the neighbouring Indian tribes, the restoration of fugitives, the surrender of fugitives, the exclusion of our citizens from trade within the territories of each other, and the general principles of a commercial treaty. In the year 1791, however, Mr. Jefferson, then president, that the Spanish government had solicitude to have some arrangement made for the free navigation of the Mississippi, were requested to send a treaty on the subject at Madrid. The matter referred merely to one of the matters then under consideration, as it was of too much importance to be neglected. Commissioners were appointed, without delay, and sent to Spain, and their powers were extended to include other arrangements, which it was desired to settle between the two countries. In the

tail. Our right to use that river, from its source to where our southern boundary touched it, was not denied; it was only from that point downward, that the exclusive navigation was claimed by Spain. Our right to participate in it, however, Mr. Jefferson contended, was established at once by former treaties, and by the law of nature and nations. By the treaty of 1763, the right of navigating the river in its whole length and breadth, from its source to sea, was expressly secured to all, at that time, the subjects of Great Britain. By the treaty of 1782, this common right was confirmed to the United States, by the only power who could pretend to claim against them, founded on the state of war. By the law of nature and nations, he remarks, if we appeal to it as we feel it written on the heart of man, what sentiment is written in deeper characters than that the ocean is free to all men, and their rivers to all their inhabitants? Is there a man, savage or civilized, unbiassed by habit, who does not feel and attest this truth? Accordingly, in all tracts of country united under the same political society, we find this natural right universally acknowledged and protected, by laying the navigable rivers open to all their inhabitants. When their rivers enter the limits of another society, if the right of the upper inhabitants to descend the stream is in any case obstructed, it is an act of force by a stronger society against a weaker, condemned by the judgment of mankind. If we appeal to the law of nature and nations, as expressed by writers on the subject, it is agreed by them, that were the river, where it passes between Florida and Louisiana, the exclusive right of Spain, still an innocent passage along it is a natural right in those inhabiting its borders above. It would indeed be what those writers call an imperfect right, because the modification of its exercise depends, in a con-

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rec, on the conveniency of the nation thro
e to pass. But it is still a right as real as
however well defined; and were it to be ref
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the simulated with the real, are sufficiently punished by exile. Crimes against property, and flights from debts, are not of such a nature, as to authorize the delivery of the offender: they may be punished in the tribunals of the nation where he is found; and these tribunals, it ought to be stipulated, shall be open to the claimant from a neighbouring nation, in like manner as they are open to their own citizens.

On the remaining subject of controversy, the interference with the neighbouring Indians, such had been the perverse conduct of the Spanish government, that it became necessary to address them directly, in the most decided terms. "We love and we value peace," observes Mr. Jefferson; "we know its blessings from experience; unm meddling with the affairs of other nations, we had hoped that our distance and our dispositions, would have left us free, in the example and indulgence of peace with all the world. We had with sincere and particular dispositions, courted and cultivated the friendship of Spain. Cherishing the same sentiments, we have chosen to ascribe the unfriendly insinuations of the Spanish commissioners, in their intercourse with the government of the United States, to the peculiar character of the writers, and to remove the cause from them to their sovereign, in whose justice and love of peace we have confidence. If we are disappointed in this appeal, if we are to be forced into a contrary order of things, our mind is made up, we shall meet it with firmness. The necessity of our position will supersede all appeal to calculation now, as it has done heretofore. We confide in our own strength, without boasting of it: we respect that of others, without fearing it. If Spain chooses to consider our self-defence against *savage* butchery as a cause of war to her, we must meet her also in war, with regret but without fear; and we shall be hap-

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last moment, to repair with her to the tribunal.
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ing and important, to be treated either with precipitation or neglect; and, on the nineteenth of April, the heads of department and the attorney general met at the president's house, to consult with him on the measures which the occasion demanded. Every feeling of sympathy, generosity, and gratitude was enlisted in the cause of France; she was boldly struggling against the leagued nations of Europe, for the preservation of her natural and domestic rights, from foreign aggression; she was endeavouring to obtain, for her own oppressed people, those liberties, laws, and institutions, which she had generously aided us in maintaining; and if, in the excess of popular frenzy, or under the instigation of ambitious and unprincipled leaders, the bounds of propriety, or of moral right, were sometimes past, it was to be attributed to long ages of ignorance and oppression, to the unrestrained exultation of a new and almost unexpected freedom, not held up as the justification of foreign invasion, or the excuse for illiberal conduct and violated treaties. Such feelings were alike honourable and correct; they were the general and spontaneous feelings of the American people. Yet it was the anxious desire of the administration, that even while this feeling was indulged, nothing should be done to destroy that relation to foreign powers, which was deemed most beneficial to our interests and happiness; that policy which has since been so emphatically confirmed, of preserving peace, commerce, and friendship with all nations, and forming entangling alliances with none. The president, therefore, submitted to his council a proclamation, forbidding the citizens of the United States to take part in any hostilities on the seas with, or against, any of the belligerent powers; warning them against carrying to any of those powers, articles deemed contraband according to the modern usages of nations,

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The principles thus established, were called into immediate operation. The citizen Genet, a gentleman of considerable talents, but of a temper naturally ardent, and particularly excited by the passions and politics of the day, arrived just at this time in Charleston, as minister from France. He was welcomed by the people with unbounded, and not unnatural enthusiasm, as the first representative of a new republic, and the ambassador of an old and generous ally. From the publications of that period, his progress through the country seems rather to have been a triumphal procession, than the journey of an unknown stranger, and in the failure of his subsequent measures, he could look only to their impropriety and his own intemperance or imprudence. Either distrusting the concurrence of the American government, or too ardent to wait for it, in a few days after his landing in Charleston, he undertook to authorize the fitting and arming of vessels in that port, enlisting men, and giving commissions to cruise and commit hostilities on nations, with which the United States were at peace. These proceedings of course produced immediate complaints, and before the arrival of the ambassador at the seat of government, before he was accredited as a minister, a long catalogue of grievances committed by him, had been made to the president. Mr. Jefferson immediately addressed a letter to Mr. Ternan, the French minister, residing at Philadelphia. In it he candidly stated the determination of the government, and expressed his surprise at the assumption of jurisdiction by an officer of a foreign power, in cases which had not been permitted by the nation, within whose limits it had been exercised.

Mr. Genet arrived in Philadelphia on the following day, and from that period a correspondence commenced, which was continued without interruption as long as Mr. Jefferson

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département of state. The letters of Mr. J in succession, the different assertions which lews which were entertained by the French ring and refuting them, always with success ith singular happiness and ingenuity. The onduct he had used in his intercourse with vernment, and the unwarrantable expressions indulged, when speaking of the illustrious were treated with the indignation and con . The spirit of friendship for the nation served, while the unauthorized aggressions re resisted, and his insinuations repelled. This correspondence, indeed, forms one of the atures in the history of the United States, and an of a policy, which it has been the invasion of government, since that period, to follow ; and ally all the important principles, in the constitution. which have since been more fully

ceeds to point out minutely, the various restrictions which they have placed on that intercourse, and calls the attention of congress to the best modes of removing, modifying, or counteracting them. These he states to be twofold : first, by friendly arrangements with the several nations with whom these restrictions exist: or, secondly, by separate legislative acts for countervailing their effects.

He gave a decided preference to friendly arrangements. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, he thought it was desirable that it should be relieved from all its shackles in all parts of the world. If even a single nation would unite with the United States in this system of free commerce, he deemed it advisable to begin it with that nation ; while, with regard to such as supposed, contrary to the wishes of America, that it was more advantageous to continue a system of prohibitions, duties, and regulations, it would behove the United States to protect their citizens, their commerce, and navigation, by counter prohibitions, duties, and regulations also. These views are then pursued at considerable length, the protection of our navigation strenuously recommended, the principles of national reciprocity pointed out and enforced, and the necessity, or at least the propriety advocated, should these principles be neglected, of establishing regulations and prohibitions coextensive with those experienced by the United States, but finally indulging the hope that friendly arrangements may be made, equally beneficial to all commercial nations.

This report gave rise to one of the longest and most interesting discussions, which has ever agitated the national legislature. It was the foundation of a series of resolutions, proposed by Mr. Madison, sanctioning the views it embraced. These resolutions became the subject of ardent debate : in

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ration, many extrinsic questions of general interest were introduced; and the past and future policy of the United States was the course to be adopted amid the conflicts of the world, the aggressions on our commerce, the means of retaliation, were all warmly discussed. It appeared that there was a majority in favour of the measures proposed from reasons which were not fully explained. An objection upon them was never pressed. It appeared likely, that their advocates found the majority wavering, under the influence of considerations of a different kind against them; particularly the alarm of war, which was the result of their adoption. A final rejection, therefore, appeared, it was, probably, thought best not to press the issue, which might strengthen the idea of a change of policy. The prevailing policy was to be apprehended, at the same time, the republican party at home. The measure was the last official act of Mr. Jefferson.

tained only by a proper discrimination in our intercourse with foreign nations ; and, that it was directed solely against those countries who refused to enter into treaties with us, and who, of course, could have no colour of complaint, after such refusal. In the measure itself, therefore, there was nothing opposed to the well settled policy of the United States, and still less, any thing which could afford even a plausible pretext for war. It was, indeed, notorious, that they who were in favour of it, could not be suspected of maintaining political principles less opposed to war than their opponents ; they were of the party which professed to adhere with most scruple, to the peculiar characteristics of a republican government, in defining the language, and settling the extent of the constitution, in adjusting public ceremonies, and in marking out the course of the administration ; and they had always resisted with the greatest zeal, every thing which tended to confer discretionary power in the executive departments, or to increase the public debts and taxes. To war, therefore, which was the readiest way to produce all these evils, they must have been averse ; and it was by means of the system they proposed, a system which aimed at the assertion and preservation of our rights by peaceful operations against the commerce and resources of those who unjustly infringed them, that they hoped to attain objects, which, however valuable, would have been dearly purchased at the risk of war.

It is not, however, our intention, as we have already avowed, to involve the reader in the party discussions of those times ; yet to him who is desirous of obtaining a clear and more extended view of the principles on which Mr. Jefferson and his friends acted, in bringing forward the system to which we have alluded, we cannot avoid mentioning the

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observations" published at the time, and attributed to him who offered the resolutions in congress, briefly, but with uncommon candour, clearness, the causes and principles on which they were the ends they had in view; and at the same time sent an able sketch of the immediate objects, the first idea of a federative government was the course pursued in its early administration; as that induced a large party to dissent from the existing government, stripped of the assigned by heat or malevolence at the time. On the twenty-first of December, 1793, Mr. Jefferson resigned the office of secretary of state, and retired once more. The sketch we have given of the duties he performed while he held it, will show with what advantage he had assisted in the administration of it, the firmness and dignity with which he had maintained its rights, and vindicated its character towards

tration, where views different from his own appeared to predominate, while those which he entertained seemed to be approved of by a large proportion of his countrymen. In the diversity of sentiment which thus occurred, he viewed with dread every measure that he thought calculated to lessen the influence of the people at home; he looked, too, with exultation on the rising liberties of a nation, which had so recently assisted our struggles for freedom, and was now so deeply engaged in maintaining its own; and with avowed distrust on too close an alliance with a country, from which we had so lately separated ourselves. These feelings were perhaps to a considerable extent those of the people of the United States generally, but in the mode of acting upon them, there existed a great difference of sentiment among the political leaders.

At the present day, when the heat of prejudice and party has subsided, no one will attribute to those who thus differed from Mr. Jefferson, views which were intentionally inimical to the interests or prosperity of their country; but without so doing, it may be asserted that there were so many points of foreign and domestic policy, in which the opinion of his colleagues varied from his own, that retirement was the only course left for a statesman, who felt the value of his own principles, and wished to act with firmness and generosity. He carried with him into his seclusion, not only the kind feelings of the great man who had selected him for the post he had filled, but the warm attachment of a large proportion of his fellow citizens.

From this period, Mr. Jefferson devoted himself to the education of his family, the cultivation of his estate, and the pursuit of his philosophical studies, which he had so long abandoned, but to which he now returned, with new ardour.

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the conduct of public affairs, and
display in every situation of life."**

first been filled by the illustrious Franklin, the great and good patron of every thing, which tended to promote the learning, science, or happiness of his country; and by Rittenhouse, the most distinguished astronomer of the age. To be selected to succeed such men, on the very theatre of their reputation, and on principles which could not be influenced by the political feelings of the times, was an honour that no one could, or did, better appreciate than Mr. Jefferson. He was no inactive member; during the long period that he presided over the society, he promoted its views with the utmost zeal, occasionally contributed to its publications, and extended to it all the advantages which his public rank and private connexions, enabled him to afford.

The situation of the country did not, however, permit Mr. Jefferson long to enjoy the pleasures of a private life. General Washington had for some time contemplated a retirement from office, and in his farewell address to the people of the United States, he had, in the month of September, 1796, declined being considered any longer a candidate for it. The person in whom alone the voice of the whole nation could be united, having thus withdrawn, the two great parties respectively brought forward their chiefs. Mr. Jefferson was supported by the one, Mr. Adams by the other. In February, 1797, the votes for the first and second magistrates of the union were opened and counted in the presence of both houses; and the highest number appearing in favour of Mr. Adams, and the second in favour of Mr. Jefferson, the first was declared to be the president, and the second the vice president of the United States, for four years, to commence on the fourth day of the ensuing March. On that day, Mr. Jefferson also took the chair as president of the senate, and delivered to that body a short address, in which he expressed

time was passed tranquilly at Mount Vernon. As the time approached the presidential election, it was found that, in accordance with the spirit of our constitution, there is little or no regard for the person of the president into the prominent political positions, unless he is required to fill the state. It is not, therefore, a matter of party. In the period, we find but little notice of the cords of the day.

As, however, the time approached the presidential election, the republican party agreed as their candidate for the office, and on the preceding occasion. Yet, inattention to the constitution, were the acknowledged wishes and intentions of the individual in the executive chair, an individual no vote had been given for that state. The party had elected Mr. Jefferson as vice president of the United States of votes; but, as the constitution requires the respective office to which each was elected before congress, neither having the right to be elected. Under these circumstances, the election of representatives and the

by which it was attempted to raise to the highest office of the nation, a man who had not received a solitary vote from the people, in opposition to one, who for thirty years had been a distinguished member of their councils, who had held the highest offices of the government, who was fitted for the station alike by his experience, his services, and his virtues, and who, above all, was notoriously the choice of a majority of the nation. At length, after thirty-five ineffectual ballots, one of the representatives of the state of Maryland, made public the contents of a letter to himself, written by Mr. Burr, in which he declined all pretensions to the presidency; and authorized him to disclaim, in his name, any competition with Mr. Jefferson. On this specific declaration, on the part of Mr. Burr, two federal members, who represented the states which had heretofore voted blank, withdrew, and permitted the republican members from those states to become a majority; and, instead of putting a blank into the box, to vote positively for Mr. Jefferson. Consequently, on the thirty-sixth balloting, Mr. Jefferson was elected president. Colonel Burr became, of course, vice president.

On the fourth of March, 1801, Mr. Jefferson took the oath of office in the presence of both houses of congress, and delivered his inaugural address. He expressed in this, his sincere diffidence in his powers, properly to fulfil the task which his countrymen had assigned him; seeing, as he did, the honour, the happiness, and the hopes of his beloved country, committed to the issue and auspices of that day; and fully conscious of the magnitude of the undertaking, he indulged the hope, that as the contest of opinion had now been settled, by the rules of the constitution, all parties would unite, in common efforts for the common good; that harmony and affection, without which, liberty and even life itself are but

...a government which would
injuring one another, but leave them
their own pursuits of industry and
take from the mouth of labour the bread
he said, was the sum of good government
to close the circle of our felicities.

About to enter on the exercise
attended every thing dear and valuable
deemed it his duty, to state distinctly
the essential principles by which his
government was governed.—Equal and exact justice
to all men, state or persuasion, religious or political
and honest friendship with all nations
and peace with none:—the support of the state
rights, as the most competent administration
concerns, and the surest bulwarks
of free government:—the preservation of the
its whole constitutional vigour, as
peace at home, and safety abroad:—
the right of election by the people, a
mildness which are lopped by the sword
peaceable remedies are unprovided:—

civil over the military authority:—economy in the public expense, that labour may be lightly burdened:—the honest payment of our debts and sacred preservation of the public faith:—encouragement of agriculture, and of commerce as its handmaid:—the diffusion of information, and arraignment of all abuses at the bar of the public reason:—freedom of religion; freedom of the press; and freedom of person, under the protection of the habeas corpus:—and trials by juries impartially selected. “These principles form the bright constellation, which has gone before us, and guided our steps through an age of revolution and reformation. To the attainment of them,” he concludes, “have been devoted the wisdom of our sages and the blood of our heroes—they should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty, and safety.”

It would not be consistent either with the character or length of this memoir, to enter into the details of the public measures of Mr. Jefferson while he occupied the presidential chair. His administration embraces a long and interesting period in the history of our country, distinguished by important measures, whose consequences have been felt in later periods, and which have led to results affecting, in no inconsiderable degree, the honour and prosperity of the nation. These are subjects which demand the research and deliberation of an acute historian; the present article aims to be nothing more than a cursory, though faithful biography.

In December, 1801, Mr. Jefferson sent his first message to both houses of the legislature. It had been the custom thus far, since the formation of the government, for the president to

answers on subjects not yet fully
thence resulting to the public, all
advantages have been so apparent
adopted on every subsequent occa

In addition to these causes,
however, that this was one of
Jefferson, to give a more popular
tion. No one had had a better op
influence of forms, even trifling on
ment, or had entered more fully into
abolishing such as were useless.
wonderful revolution had taken place
men, even in the short space that his
organization of our government.
force of ancient habits, it was scarcely
plate the administration of power, and
were thought necessary to obtain from
the first great chief of our country
united, according to the conception
the dignity of power with republicanism
however, can recollect with what
of ceremony and festivity.

the choice of his country has pronounced, the first of its citizens.

In his message, Mr. Jefferson states, that the restoration of peace in Europe, had restored the friendly feelings of foreign nations, while it prevented any longer their violations of neutral rights. That our intercourse with the savage tribes on our own frontiers, was marked by a spirit of peace and friendship, advantageous and honourable at once to them and us. That with the African states, our affairs were in a situation less satisfactory, and such as demanded seriously the consideration, whether measures of offence should not be authorized. That at home our population was increasing in a very great ratio, our revenue so flourishing as to enable us to dispense with all internal taxation, the expenditures of the civil government reduced, a large portion of the public debt faithfully paid, and our agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, rapidly thriving. He recommends to their particular consideration, the disposal of the surplus in the military establishment, the general militia system, the increase of the navy, the expediency of erecting more fortifications of an expensive character, the judiciary system that had been lately established, and the extension of the laws relative to naturalization.

During the succeeding four years, the external policy of the country was pursued, so as to increase its prosperity and to secure its rights. The aggressions of the Tripolitans were gallantly and promptly chastized, and the attempts made by the agents of the Spanish government, to violate their treaties and deprive our citizens of the rights guaranteed to them, of navigating the Mississippi, were immediately noticed and repelled. The privileges, indeed, which had been

tion. The important acquisitions
of the United States. "Whilst the
of the Mississippi and its waters," to
language, "secured an independent
the western states, and an uncontro
their whole course, free from collis
and the dangers to our peace from t
of the country, its climate and exten
important aids to our treasury, an
posterity, and a wide spread for the l
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tory was formally surrendered to th
commissioner of France.

During the same interval, the inter
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tions, and to support and preserve t
they are founded. Measures were a
discharge of the public debt, thus earl
nations, the credit and

parties. A salutary reduction was introduced into the habitual expenditures of the government, by curtailing the charges that arose from our diplomatic intercourse with foreign nations, and unnecessary agencies at home. Offices created by the executive, and tending to increase its influence, were voluntarily suppressed. And the president presented the unusual, but noble spectacle of a chief magistrate relinquishing power and patronage, where he could do so, and where he could not, seeking the aid of the legislature for the same honourable purpose. "Should you think it expedient," he says, in a message to them, "to pass in review the roll of public offices, and to try all its parts by the test of public utility, you may be assured of every aid and light which executive information can yield. Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burthen which the citizen can bear, it behoves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it never may be seen here, that after leaving to labour the smallest portion of its earnings, on which it can subsist, government shall itself consume the residue of what it was instituted to guard. In our care, too, of the public contributions intrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department, all accountabilities for money, where the examination may be prompt, efficacious, and uniform."

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not only by political measures that the interests of the country was consulted and promoted. A peculiar feature in the life of Mr. Jefferson, that, amidst the cares and absorbing interest of his political career, he did not neglect the cause of philanthropy. Like Lord Bacon, his ambition prompted him to seek the highest honours which his country could bestow. His attachment which he had early formed to pursue a course, if not less useful, seems to have lingered amidst the busiest moments of public occupation. It has been renewed, with fresh delight, in the late acquisition. The purchase of Louisiana, afforded an opportunity of accomplishing a plan he had long formed, of a scientific examination of the immense territory which spreads from the Mississippi to the Pacific. For this purpose he proposed to congress; and on its sanction, he appointed for the purpose, an

navigable waters of Columbia river; the course of this they followed for six hundred and forty miles, until they arrived at the Pacific Ocean. They reached St. Louis, on their return, in September, 1806, after an absence, from all civilization, of more than twenty-seven months. The journey from St. Louis, was above four thousand miles; in returning, thirty-five hundred; making, in the whole, seven thousand five hundred miles. The mass of information collected in the expedition, was valuable and extensive; it was equally advantageous to the scientific and political institutions of the country; and it led the way for similar expeditions, each of which has proved the skill with which it was arranged, and the benefits that have arisen from it.

So much were the measures adopted by Mr. Jefferson, during the four years for which he had been chosen, approved by his country, that, as the period approached for a new election, his popularity increased more and more, and he was elevated to the presidency a second time, by a majority which had risen from eight votes to one hundred and forty-eight. During the course indeed of his administration, the press, in its full licentiousness, had been directed against him, and, as he observed himself, the experiment had been fully made, whether freedom of discussion, unaided by power, was not sufficient for the propagation and protection of truth. It had been fairly proved, he said, that a government conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the world should witness, could not be written down by falsehood and defamation; but that the people, aware of the latent source from which these outrages proceeded, would gather around their public functionaries, and when the constitution called them to the decision by suffrage, they would pronounce

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, honourable to those who had served them, and to the friend of man, who believes he may be able to manage his own affairs.

On a second time on the duties of his lofty station, giving the proof of confidence which his fellow citizens demanded. He asserted his determination to act up to the principles, on which he believed it his duty to administer the commonwealth, and which had been sanctioned by the unequivocal approbation of his countrymen. "I do not fear," he said, in concluding his inaugural address, "I do not fear that any motives of interest may influence me; I am sensible of no passion which could lead me knowingly from the path of justice; but the weakness of human nature and the limits of my own understanding may induce errors of judgment sometimes injurious to the public; I shall need, therefore, all the indulgence I have before experienced—the want of it will certainly increase with increasing years. I shall need too the favour

succeeded by Mr. Clinton, as vice president of the United States. Of an ardent and ambitious spirit, these disappointments seem to have urged him to some desperate enterprise, not consonant to his general duties as a citizen, if not expressly contrary to the laws of his country. Assuming the unfriendly measures of the Spanish government, on the south western frontier, as the cause or pretext of his conduct; and holding out to the young and aspiring, the alluring idea of establishing in its provinces a new republic; he succeeded in drawing many of his countrymen into his schemes. That his real views, however, extended beyond this, has been generally presumed, though what they precisely were, has never been known. Many believed that the enterprise, which, it was ascertained, was to originate in the western country, had for its object the separation of the states beyond the Alleghany Mountains, from their political connexion with those on the Atlantic border; and by uniting them with the territories on the western bank of the Mississippi, the formation of a distinct and independent empire. Whatever may have been the ultimate object of his plans, as soon as Mr. Jefferson received information that a number of private individuals were combining together, arming and organizing themselves contrary to law, with the avowed object of carrying on some military expedition against the territories of Spain; he took measures without delay, by proclamation as well as by special orders, to prevent and suppress the enterprise, to seize the vessels, arms, and other means provided for it, and to arrest and bring to justice its authors and abettors. His scheme being thus discovered and defeated, colonel Burr fled; but was eventually apprehended on the Tombigbee, and escorted as a prisoner of state, under the guard of a military officer, to Richmond in Virginia. On his arrival

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he was delivered over to the civil authority, by warrant from the chief justice of the United States, on charges of a high misdemeanor, in pre-empting on foot, within their territories, a militia, to be carried thence, against the dominions of Spain, with whom we were at peace; and treason against the United States. At the close of examination of witnesses, he was bound over to take the first charge, the chief justice not deeming of an overt act of treason, sufficient to justify a conviction on the latter. On the seventeenth of August, he was brought to trial. Several days were consumed in the examination of witnesses, and in the discussion of the constitution, as it arose out of the constitution. The assembly of individuals was proved; but the evidence was not sufficient to establish the presence of colonel Jefferson, or the use of any force against the authority of the United States. The consequence was the acquittal of the

The foreign relations of the country, however, at this period, involved questions of infinitely greater importance, than any which arose from its domestic troubles. Nearly the whole revenue of the United States then depended on its external commerce; the situation of the world rendered that commerce as lucrative as it was extensive; and every act which affected its prosperity, was a vital injury to the welfare of the country.

It would at this moment be more than useless, to enter into the numerous aggressions which had been committed on the rights, character, and commerce of the United States, both by Great Britain and France, from the commencement of the war between them in 1793, or to rake from their ashes, the innumerable facts, and still more innumerable controversies, to which they gave rise, not only between those nations and the United States, but among the citizens of the last, according to the light in which they viewed the conduct of the two great parties. It is sufficient to recollect, that from the commencement of the war, both the great belligerent powers seemed to view the United States as a country, to which that course of conduct was to be dictated as neutral, which was congenial to their own views or interests, and each assumed the right to punish in the neutral, what it chose to consider as favour to its enemy. In fact, each presuming on the weakness of the United States to defend its property on the seas, had inflicted upon them the most severe and unprincipled aggressions. Which nation exceeded the other in violence of conduct or in want of principle, although a great party question at the time, it is now perhaps unnecessary to inquire; in the early part of the war, when both were powerful on the ocean, both had resort to open and avowed national acts, which, followed up by the spirit of plunder in their navies,

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ties themselves, the destruction of all neutral commerce was the obvious consequence. To neutral nations, therefore, and to the United States, as almost the only one in existence, this great principle became established, that as both the belligerents had violated every principle of justice, the causes of war against both were numerous and obvious, and the choice was left to the neutral to begin it with both or either, according to its own interest, leaving that party to complain of partiality or injustice, which should first act justly itself.

In this situation, all those nice calculations which might otherwise have been made, and which prevailed largely at the time, as to the equality of conduct to be maintained towards the belligerent powers, became in a great degree lost, and it is obvious, a nice balance on the subject could not be pursued. If the violence of the hostile decrees was to be judged by their temper and spirit, both were excessively injurious. But a great difference existed in the power to execute them; the acts of France, however severely carried into effect, within the limits it could command, were confined in their operation, while the scope for injury by Great Britain was boundless; and, of course, it was with her during all the war, but particularly the latter stage of it, that collisions became more frequent, and the measures of the United States more prominent, so much so, that this very circumstance gave a tinge to the character of the transactions themselves.

It is certain, however, that there were some circumstances which, independent of the serious injury common to both the belligerents, were peculiar to the situation of the United States and Great Britain with each other, particularly the right of searching neutral ships for enemy's goods, the revival of what was called the rule of war of 1756, prohibiting neutrals from trade which they had not enjoyed in time of

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other countries, remained in common, with all other sources of complaint, the subject of negotiation.

Upon the rupture of the peace of Amiens, the ships of the United States became again the carriers of the world, and its commerce as unbounded as before. In this situation, it was in the highest degree the interest, as it was before the desire of the people, to pursue a course of rigid neutrality, and Mr. Jefferson declared it their policy to cultivate the friendship of the belligerent nations, by every act of justice and innocent kindness; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to none; to establish in our harbours such a police as might maintain law and order; to restrain our citizens from embarking individually in a war in which their country took no part; to punish severely those persons, citizen or alien, who should usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans, and involving us in controversies for the redress of wrongs not our own; to exact from every nation the observance, towards our vessels and citizens, of those principles and practices which all civilized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong.

The justice of these principles was not, as it could not be denied; but the practice of them was soon put to a severe trial, by the aggressions of the belligerent powers, which seemed to increase with their vindictiveness against each other, and the prosperous commerce and situation of the United States. The attacks and depredations renewed against their colonial trade, as a war in disguise, by the impressment of their seamen, by robberies on their coasts and

reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine, so injurious to the rights of peaceable nations.”

It was from these causes that a line of policy was adopted, which, though it had been in some degree that of his predecessors, and particularly of general Washington, may be considered, in the manner it was now exercised, as a distinguished feature of Mr. Jefferson's administration. It was to prepare the country for domestic defence, but to do so rather by shutting it up from foreign intercourse, than by exposing it to war; and in the mean time to try the full effect of negotiation, and to exercise yet a little longer forbearance under our numerous injuries. Accordingly, the measures adopted by the government in the early part of 1806, were those for the defence of the ports and coasts, and of the country itself in case of need, the act called the non-importation act, and the appointment of commissioners to negotiate abroad, particularly of Mr. Pinckney, who was united with Mr. Monroe, the then resident minister in London.

It does not appear that any of the measures thus adopted, gave umbrage abroad; on the contrary, Mr. Pinckney, writing on the spot soon after his arrival, with a full knowledge of the temper of the government, and its effect upon England, pronounced the non-importation act a wise and salutary measure. His negotiations, indeed, though rendered unavoidably slow, were proceeding with prospects somewhat more favourable, when Bonaparte, stimulated as it should seem by the unlimited power of Great Britain on the seas, and the boundless depredations she committed in consequence of it, and perhaps by a jealousy of the negotiations pending in England, issued his decree of the twenty-first of November from Berlin.

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structions to our ministers on the subject; and congress did not hesitate to declare it a flagrant violation of our jurisdiction, of which a parallel was scarcely to be found in the history of civilized nations, and which, if not disavowed, was just cause of instant and severe retaliation.

The British government immediately disavowed the act of the officer by whom it had been committed, and voluntarily made an offer of reparation, which was afterwards carried into effect. Scarcely, however, was this one act of injustice and aggression atoned for, when it was followed by another. In November of the same year, 1807, orders were issued by the king in council, wherein he prohibited all commerce between America and the ports of his enemies in Europe, unless the articles had been first landed in England, and duties paid for their re-exportation; and declared that a certificate from a French consul, of the origin of articles, should render the vessel in which they were, liable to condemnation. The ground on which it was attempted to justify these measures, was a retaliation for the course adopted by the French government relative to neutral commerce; a pretext alike frivolous and unfounded. It was not denied that France had pursued a course quite unjustifiable; but yet, even supposing what has been uniformly denied, that the measures against America were first adopted by that nation, it is hard to imagine by what process of reasoning those measures could justify an attack on the acknowledged rights of a nation, that was no partner in their adoption, and to whose interests they were vitally inimical.

As appeal to justice and national law was thus made in vain, America had now no alternative left, but abject submission or decided retaliation. Yet it was difficult to know by what means this retaliation could be effected. Two only sug-

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elves, a declaration of war, or a suspension of the part of the United States. The unsettled world at that period, the peculiar and extraordinary in which this country was placed, the hostilities were resorted to, of making it at the gainst the two most powerful nations of the peaceful habits, the limited resources, and the same, were all just causes of hesitation in choosing a decided alternative; and although there could be no doubt its adoption would injure, if it did not destroy our most valuable commerce, yet that commerce would equally suffer from the ravages of unavenged aggression. Under these circumstances, on the 1st of December, 1807, Mr. Jefferson recommended a suspension of the departure of our vessels from the United States, and on the twenty-second of the same month an act was passed by them, laying a general

rica must have consented to become the willing and unre-sisting victim of commercial despotism, to be despised and trampled on in future, whenever Europe should choose to pursue her schemes of commercial aggrandizement. With most nations, and under ordinary circumstances, the appeal to war would have been as prompt as the injury was unjustifiable; but the government, interests, and situation of America required the exertion and failure of every other alternative, before that was resorted to. Under these circumstances, the embargo presented itself as a measure of retaliation, if not decisive at least preparatory. It could only be injurious to the commercial interests of the nation, already in a situation scarcely capable of greater injury. It left open equally the means of farther negotiation and the power of resorting to war, while it showed to foreign nations the decided spirit which animated our councils, and inflicted no inconsiderable blow on their interests.

On these grounds it was recommended by Mr. Jefferson, and certainly promised at least temporary success. The interesting letters which have lately been given to the world, in the biography of one of our most distinguished citizens, then ambassador in London, seem to place this circumstance beyond question. Very shortly after its establishment, in writing from England, he observes, "It is apparent that we gain ground here. The tone is altered. The embargo has done much, although its motives are variously understood. Some view it with doubt and suspicion. The government appears to put a favourable construction upon it; and all agree that it is highly honourable to the sagacity and firmness of our councils. Events which you could only conjecture when the measure was adopted, have already made out its justification beyond the reach of cavil." "To repeal the

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observes, in a subsequent letter, "would be so in all respects, that we should long feel the wound, unless indeed some other expedient, as strong as efficacious in all its bearings, can (as I fear) be substituted in its place. On the other hand," "if we persevere, we must gain our purpose at last. With the little policy of the moment, we shall not have a great and systematic adherence to principle, to the end to our difficulties. The embargo and the trade are deeply felt here, and will be felt more every day. The wheat harvest is like to be short, and the state of the continent will aug-

The discontents among the manufacturers are for the moment by temporary causes. Cotton and soon will be scarce. Unfavourable events will subdue the temper unfriendly to wisdom which now prevails here. But above all, the trust, be convinced that our firmness is not to

is already considered as a signal one by every body. The pretexts with which ministers would conceal their motives for a relinquishment of all which they prized in their system, are seen through; and it is universally viewed as a concession to America. Our honour is now safe, and by management we may probably gain every thing we have in view."

To trace out, however, the results to which Mr. Jefferson's policy led, not only in these but in other circumstances; and especially to pursue the history of our various negotiations and differences with Great Britain, arising from it, and ultimately resulting in a conflict honourable and advantageous to the United States, is reserved, not for the present biographer, but for him who shall record the life of the amiable and patriotic statesman by whom he was shortly succeeded. To him, as he had been his early pupil, and afterwards his personal friend and political supporter, was left the task of bringing to a termination that series of political measures, in the midst of which the retirement of Mr. Jefferson from public life, obliges us abruptly to break off.

The period had now arrived, when he was desirous to close for ever his political career; he had reached the age of sixty-five years; he had been engaged almost without interruption for forty years in the most arduous duties of public life; and had passed through the various stations, to which his country had called him, with unsullied honour and distinguished reputation; he now, therefore, determined to leave the scene of his glory, while its brightness was unobscured by the unavoidable infirmities of age; and to spend the evening of his days in the calmness of domestic and philosophical retirement. In his message to congress he alluded to this determination, and took leave of them in the following language.

"Availing myself of this, the last occasion which will occur

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the two houses of the legislature at their meeting, permit the expression of my sincere gratitude, for the proofs of confidence manifested to me by you and their predecessors, since my call to the administration, and the many indulgences experienced at their hands. The same grateful acknowledgments are due to my friends generally, whose support has been my great resource under all embarrassments. In the transaction of public business, I cannot have escaped error. It is the inevitable result of an imperfect nature. But I may say with truth, that I have been of the understanding, not of intention; that the advancement of their rights and interests has been the constant motive of every measure. On these considerations, I solicit their indulgence. Looking forward to their future destinies, I trust, that in their conduct, unshaken by difficulties, in their love of order, of justice to law, and support of public authorities, they will guarantee the permanence of our republic:

correspondence, which proved the same purity of intention, the same earnest zeal in the promotion of liberal opinions, and the same intelligence, forethought, and firmness which distinguished the actions of his earlier life. He was called forward from time to time, by the repeated anxiety of his countrymen to connect him with the rising institutions, which have been formed to promote science, taste, and literature. And above all, he was sought out in his retirement by strangers from every foreign nation, who had heard of and admired him; and by the natives of every corner of his own country, who looked upon him as their guide, philosopher, and friend. His home was accordingly the abode of hospitality, and the seat of dignified retirement; and while he thus forgot the busy times of his political existence, in the more calm and congenial pleasures of learning and science, Monticello might remind us of the scene where the Roman sage, deserting the forum and the senate, discoursed beneath his spreading plane tree, on the rights and duties of man—*rura nemusque sacrum dilectaque jugera musis*.

It was not, however, to his private cares, and enjoyments alone, that these years of retirement were devoted by Mr. Jefferson. They were largely shared by the public interests of science and letters, particularly in the improvement of education in his native state, and the establishment of a noble university, which was commenced by his own private donations, and those he could obtain from his friends, and on which, even after it became a national object, he bestowed the greatest zeal and labour during the remainder of his life. Soon after his return to Monticello, when the formation of a college in his neighbourhood was proposed, he addressed a letter to the trustees, in which he sketched a plan for the establishment of a general system of education in Virginia.

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to have led the way to an act of the legislature 1818, by which commissioners were appointed, to select a site and form a plan for a university of great magnificence. Of these commissioners Jefferson was unanimously chosen the chairman, and on the fourth of August, 1818, he framed a report embodying principles on which it was proposed the institution should be formed. The situation selected for it was at Charlottesville, a town at the foot of the mountain on which the University of Virginia resided. The plan was such as to combine utility with the power of enlarging it to any extent its future prosperity may require. The institution was intended to the various branches of learning, which are necessary to require in his intercourse between man and man, the improvement of his morals and faculties, and in the enjoyment and exercise of his social rights. Such an institution, Jefferson observes, "generates habits of application, and the love of virtue : and controls, by the force

fore known its necessities only. That these are not the vain dreams of sanguine hope, we have before our eyes real and living examples. What, but education, has advanced us beyond the condition of our indigenous neighbours? and what chains them to their present state of barbarism and wretchedness, but a bigoted veneration for the supposed superlative wisdom of their fathers, and the preposterous idea that they are to look backward for better things and not forward, longing, as it should seem, to return to the days of eating acorns and roots, rather than indulge in the degeneracies of civilization? And how much more encouraging to the achievements of science and improvement is this, than the desponding view that the condition of man cannot be ameliorated, that what has been must ever be, and that to secure ourselves where we are, we must tread, with awful reverence, in the footsteps of our fathers. This doctrine is the genuine fruit of the alliance between church and state, the tenants of which, finding themselves but too well in their present position, oppose all advances which might unmask their usurpations, and monopolies of honours, wealth, and power, and fear every change, as endangering the comforts they now hold." The report then proceeds to state the various arrangements which should be adopted, for the conduct of so extensive an institution; and concludes with a statement of its financial situation. The plan thus proposed was adopted by the legislature. Mr. Jefferson was elected the rector of the new institution, and from that period he devoted himself with unceasing ardour to carry it into effect. Nothing indeed could exceed his fond desire for its success. It appeared to be the object of all his hopes and thoughts in the declining years of his life. He rode every morning when the weather would permit, to inspect its progress; he prepared with

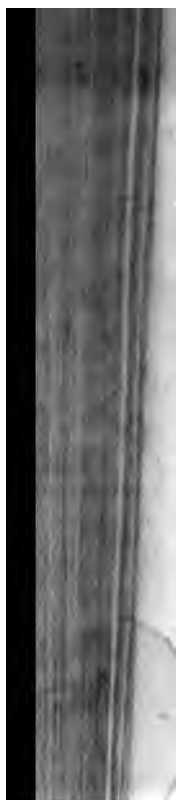
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ds, the drawings and plans for the workmen; he
hem as they proceeded with a sort of parental
ciety; and when the inclemency of the season or
y of age prevented his visits, a telescope was
terrace near his house, by means of which he
t the progress of the work. After its completion,
en be seen pacing slowly along the porticoes or
ich extend in front of the dormitories of the stu-
tionally conversing with them, and viewing the
it with a natural and honourable pride. In the
refully preserved the catalogue written by him-
h he has collected the names, best editions, and
works of whatever language, in literature and
ch he thought necessary to form a complete
in examining it one is really less struck with
and various knowledge required for its compi-
the additional proof of that anxious care, which
arch out all the means of fostering and improv-

rosity, unsullied by extravagance, and unattended by crime, will redound to the honour, never to the disgrace of him who has the misfortune to endure it. With Mr. Jefferson it is difficult to imagine how it could have been avoided. For more than fifty years he had been actively engaged in public office, generally at a distance from his own estate; and though his patrimony was originally large, it could not but be impaired by this unavoidable neglect. In retiring from the exalted station he had enjoyed, he did not enter on a less conspicuous scene; he had become identified as it were with the greatness and glory of his country, he was the object of attraction to crowds of anxious and admiring guests, and unless by coldly closing his doors, it was impossible to limit the expenses he was thus obliged to incur.

To relieve him from the embarrassment in which he was thus involved, an act of the legislature of Virginia was passed in the spring of 1826, by which he was authorized to dispose of his estates by lottery, in order that a fair price for them might be obtained. Whether this tardy measure was becoming to the character of a high minded state; whether such was the manner in which she should have relieved the wants of a citizen, to whom it is acknowledged she was mainly indebted for what is most valuable in her government, her laws, and her institutions, and who had equally devoted to her, his youth, his manhood, and his hoary age—it is not for us to determine.

But few more incidents remain to be told of the eventful life of this great man. The full vigour of his mind, indeed, remained unimpaired, at least until a very short period before he fell into the grave. The year 1826 being the fiftieth since the establishment of our independence, it was determined universally throughout the United States, to celebrate it as a



Johnson, as one of the survivors of Independence, to unite with the request he was obliged to do signified his regret, is left to greatness. On the twenty-first death was already upon him those characteristic sentiments strongly marked him—the back to the period, when his election between submission in its consequent prosperity—time would yet come when could bless all the world—his ardent day should keep fresh in us and increase our devotion to remembrance with which he dwelt experienced from his fellow citizens mayor of Washington—“Resolution I received from you, on the city of Washington, to be present at the fiftieth anniversary of one of the surviving signers of

acquiescence under circumstances is a duty not placed among those we are permitted to control. I should, indeed, with peculiar delight, have met and exchanged there, congratulations, personally, with the small band, the remnant of the host of worthies who joined with us, on that day, in the bold and doubtful election we were to make for our country, between submission and the sword; and to have enjoyed with them the consolatory fact that our fellow citizens, after half a century of experience and prosperity, continue to approve the choice we made. May it be to the world, what I believe it will be, (to some parts sooner, to others later, but finally to all,) the signal of arousing men to burst the chains, under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government. The form which we have substituted, restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened, or opening, to the rights of man. The general spread of the lights of science, has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favoured few, booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others; for ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them. I will ask permission here, to express the pleasure with which I should have met my ancient neighbours of the city of Washington and its vicinities, with whom I passed so many years of a pleasing social intercourse—an intercourse which so much relieved the anxieties of the public cares, and left impressions so deeply engraved in my affections, as never to be

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the ordinary duties of a biographer ; the personal character of Mr. Jefferson should now be noticed ; yet it is with conscious inability, that I attempt the task. The memory of his public services, his private virtues, and his excellent and amiable life, are so fresh recollections, that to speak of him as we feel, is the appearance of panegyric rather than the disinterestedness of biography. The record of his actions, is the test to which all may appeal ; and if in any particulars should be deemed erroneous, to that record may be made—as they are the surest, so are they the only ones which he has left.

He expired at Monticello, at ten minutes before the fourth of July, 1826 ; within the same fifty years before, the declaration of independence was promulgated. At this time he had reached the eighty-three years, two months, and twenty-one days. He was six feet two inches high. erect and

the condition of his slaves, that in their comforts his own interests were too often entirely forgotten. Among his neighbours he was esteemed and beloved in an uncommon degree, and it is almost incredible with what respect his sentiments and opinions were regarded; a stranger travelling in the neighbourhood of Charlottesville, hears even yet constant allusions to his habits and actions, and his name is scarcely mentioned without that expression of veneration, which is the reward of private worth, even more than of public service. He possessed uncommon fortitude and strength of mind, with great firmness and personal courage; in forming his opinions he was slow and considerate, but when once formed, he relinquished them with great reluctance; his equanimity and command of temper were such, that his oldest friends have remarked that they never saw him give way to his passions; by his domestics he was regarded with all the warmth of filial affection. His attachment to his friends was warm and unvarying; his hospitality was far beyond his means, and left him, as we have seen, in his old age the victim of unexpected poverty.

The domestic habits of Mr. Jefferson were quite simple. His application was constant and excessive. He rose very early, and after his retirement from public life, devoted the morning to reading and to his correspondence, which was varied and extensive to a degree, that in his latter years became exceedingly troublesome. He then rode for an hour or two, an exercise to which he felt all the characteristic attachment of a Virginian, and which he continued until a very short period before his death; the horse he used was young, and not remarkably gentle, nor could he be prevailed on to allow the attendance of servants, even to the last. After dinner he returned to his studies with fresh ardour, and then

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evening to his family, retired to bed at a

ies of Mr. Jefferson were extended to a
h of literature and science. He was the
d the patron of many of the institutions
their promotion. He was said to be a pro
ian, and was in the habit of obtaining
to the day of his death, the most abstruse tre
ch of science. His acquaintance with most
guages was minutely accurate; he was a pro
ar, having devoted himself during his resi
o an extensive and thorough study of that
he is said to have cultivated a knowledge of
northern Europe, growing out of the G
e closely connected with our own language,
d history.

has been necessarily said, in recording the o

fearless partisan, always foremost among those who led the van in the march of freedom, maturing his political principles by constant application, always decided in his conduct, and ready, as the times required, to devote himself to the more silent duties of legislation, or the more arduous occupations of executive trusts.

The second period of his life abounded in political circumstances, upon which the best and wisest of his countrymen have entertained very different sentiments; indeed it was scarcely possible, that in a universal change of almost the whole fabric of society, their opinions should not greatly vary. Those of Mr. Jefferson, as is well known, always leaned to the side of freedom, and whether they are viewed with favour or disapprobation, he must be taken as the great leader and author of the more popular form of our administration, as well as of that system which, by shutting out rather than increasing our connexion with foreign countries, leads to self dependence of our own. The great result of his measures, founded as they undoubtedly were on the excellent basis which had been laid before him, and generally followed up by his successors, has been the firm establishment of every great feature of our constitution, as it seems to have been originally designed, united with an administration of it, decidedly popular in its character, and of great simplicity, and at the same time a reduction of party spirit within limits perhaps as narrow as are possible or useful, and the increase to an amazing extent of the internal energy and resources of the nation.

The last period of Mr. Jefferson's life was that of rural and philosophic repose. Retiring from public scenes as the greatest of men in every age have done, his activity though abated was not lost, and he still performed the part of a

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t citizen, watching over his country's actions
g them by his advice. His early disposition
tinued through his busiest, and was the re-
ast years; but his letters and philosophy were
of Franklin, less formed to investigate the
quity, or dazzle by their display, than to come
interests of his age and country, and direct
e road of practical utility. Of the same cha-
style, plain, useful, and energetic, adopting
es not before in use, where he thought them
is purpose, and abounding sufficiently with
lime touches where, as in several of his public
ere called for by his subject.

in, Mr. Jefferson felt the gradual decay of age.
ody rather by insensible degrees, than by any
y, and his mind not at all. He became hoary,
bent with years, rather than broken by them;
was at last so happy in all its circumstances.

